

City of Kelowna
Regular Council Meeting
AGENDA



Monday, June 1, 2020
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

3 - 12

PM Meeting - May 25, 2020

3. Development Application Reports & Related Bylaws

3.1 Gordon Dr 4382 - Z20-0015 (BL12049) - Amanda Maccormack and Donald Maccormack

13 - 35

To consider an application to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling, and to waive the Public Hearing.

3.2 Gordon Dr 4382 - BL12049 (Z20-0015) - Amanda Maccormack and Donald Maccormack

36 - 36

To give Bylaw No. 12049 first reading.

3.3 Supplemental Report - Bach Rd 125 - Z20-0024 (BL12033) - Robert G Johnston and Deborah M Johnston

37 - 38

To receive a summary of correspondence for Rezoning Bylaw No. 12033 and to give the bylaw further reading consideration.

3.4 Bach Rd 125 - BL12033 (Z20-0024) - Robert G Johnston and Deborah M Johnston

39 - 39

To give Bylaw No. 12033 second and third reading.

4.	Non-Development Reports & Related Bylaws	
4.1	Consolidated Sidewalk Seating Program Guidelines 2020 - Bernard Avenue	40 - 82
	To give reading consideration to amending Bylaw No.12045 to support the Consolidated Sidewalk Seating Program Guidelines 2020 governing the patio program during the 2020 summer season	
4.2	BL12045 - Amendment No. 38 to Traffic Bylaw No. 8120	83 - 84
	To give Bylaw No. 12045 first, second and third reading and be adopted.	
4.3	Sister Cities Policy Update	85 - 106
	To approve updates to Council Policy No. 355, being the Sister Cities Policy.	
4.4	Cultural Policy 274 Update	107 - 123
	To seek approval to revise Council Policy No. 274, being the Cultural Policy.	
4.5	Kelowna Community Theatre Operating Models Review	124 - 137
	To provide Council with an overview of the results from the Value for Money audit report for the Kelowna Community Theatre Operating Model and to advise of next steps.	
4.6	COVID 19 Sport and Recreation Reopening Framework	138 - 154
	To provide Council with an overview of the approach and framework to re-opening City-operated sport and recreation facilities and reactivating programs as part of the COVID-19 response.	
4.7	Climate Action Revenue Incentive Program Public Report for 2019	155 - 187
	To report on climate progress made in 2019 to meet the City's climate action goal to fulfill the public reporting requirement for the provincial Climate Action Revenue Incentive Program grant.	
5.	Resolutions	
5.1	Draft Resolution - 2020 Council Meeting Schedule Changes	188 - 188
6.	Mayor and Councillor Items	
7.	Termination	



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Monday, May 25, 2020
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Brad Sieben, Mohini Singh and Loyal Wooldridge
Members Participating Remotely	Councillors Ryan Donn, Charlie Hodge and Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Planner, Tyler Casswell*; Planner, Aaron Thibeault*; Planner Specialist, Wesley Miles*; Real Estate Department Manager, Johannes Saufferer*; Property Management Manager, JoAnne Adamson*; Parking Services Manager, Dave Duncan*; Divisional Director, Partnership & Investments, Derek Edstrom*; Partnership Manager, Sandra Kochan*; Real Estate Services Manager, Mike Olson*; Divisional Director, Corporate Strategic Services, Carla Weaden*; Corporate Strategy & Performance Department Manager, Mike McGreer*; Performance Improvement Consultant, Sigrun Geirsdottir*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 PM.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0370/20/05/25 THAT the Minutes of the Regular Meetings of May 25, 2020 be confirmed as circulated.

Carried

The meeting recessed due to technical/audio issues for Councillors participating remotely at 1:43 PM.

The meeting reconvened with audio concerns fixed at 1:51 PM.

3. Development Application Reports & Related Bylaws

3.1 Zoning Bylaw No. 8000 Text Amendment – Fencing and Retaining Walls

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0371/20/05/25 THAT Zoning Bylaw Text Amendment Application No. TA19-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule A and outlined in the Report from the Development Planning Department dated May 25th, 2020 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

3.2 Zoning Bylaw No. 8000 Text Amendment – Fencing and Retaining Walls

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Bylaw No. 12027 be read a first time.

Carried

3.3 Snowsell St N 470, Z20-0009 - Grant Douglas Vestner

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0372/20/05/25 THAT Rezoning Application No. Z20-0009 to amend the City of Kelowna Zoning Bylaw no. 8000 by changing the zoning classification of That Part of Lot B Section 9 Township 23 ODYD District Plan 1590 Shown on Plan B7425, located at 470 Snowsell St. N, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the report from the Development Planning Department dated May 25, 2020.

Carried

3.4 Snowsell St N 470, Z20-0009 - Grant Douglas Vestner

Moved By Councillor Singh/Seconded By Councillor Given

R0373/20/05/25 THAT Bylaw No. 12035 be read a first time.

Carried**3.5 Glenmore Dr 850, Z20-0022 - James Scott Dakin and Jennifer Ann Dakin**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R0374/20/05/25 THAT Rezoning Application No. Z20-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 Section 29 Township 26 ODYD Plan 4101, located at 850 Glenmore Drive, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw.

Carried**3.6 Glenmore Dr 850, Z20-0022 - James Scott Dakin and Jennifer Ann Dakin**

Moved By Councillor Singh/Seconded By Councillor Given

R0375/20/05/25 THAT Bylaw No. 12036 be read a first time.

Carried**3.7 Water Street 1570-1580, Z19-0098 - Tri-Moor Holdings Ltd., Inc.No. 1050685; Royal Enterprises Ltd., Inc.No. 70194**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0376/20/05/25 THAT Rezoning Application No. Z19-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2, 5 & 6 District Lot 139 ODYD Plan 1355, located at 1570 - 1580 Water St., Kelowna, BC from the C7 – Central Business Commercial zone to the C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales) zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 25, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

3.8 Water Street 1570-1580, Z19-0098 - Tri-Moor Holdings Ltd., Inc.No. 1050685; Royal Enterprises Ltd., Inc.No. 70194

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0377/20/05/25 THAT Bylaw No. 12037 be read a first time.

Carried

3.9 (W OF) Union Road and 2025 Begbie Road, Z20-0030 OCP20-0008 - Glenwest Properties Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

R0378/20/05/25 THAT Official Community Plan Map Amendment Application No. OCP20-0008 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by Changing the Future Land Use Designation of portions of:

a) Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750, EPP24895 and EPP93548, located at 2025 Begbie Road, Kelowna, BC;

b) The North East ¼ of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W OF) Union Road, Kelowna, BC from MRL – Multiple Unit Residential (Low Density) designation to EDINST – Educational/Major Institutional designations as shown on Map "A" attached to the Report from the Development Planning Department dated May 25th, 2020, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z20-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of portions of:

a) Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750, EPP24895 and EPP93548, located at 2025 Begbie Road, Kelowna, BC;

b) The North East ¼ of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W OF) Union Road, Kelowna, BC from RM3 – Low Density Multiple Housing zone to the P2 – Education and Minor Institutional zone as shown on Map "B" attached to the Report from the Development Planning Department dated May 25th, 2020, be considered by Council;

AND FURTHER THAT Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.10 (W OF) Union Road and 2025 Begbie Road, Z20-0030 OCP20-0008 - Glenwest Properties Ltd

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0379/20/05/25 THAT Bylaw No. 12040 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.11 (W OF) Union Road and 2025 Begbie Road, Z20-0030 OCP20-0008 - Glenwest Properties Ltd

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0380/20/05/25 THAT Bylaw No. 12041 be read a first time.

Carried

3.12 Gallagher Road 2980, Z20-0021 - Kirschner

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0381/20/05/25 THAT Rezoning Application No. Z20-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, and EPP84892 located at 2980 Gallagher Road, Kelowna, BC from the A1 – Agricultural 1 zone to the RH3 – Hillside Cluster Housing, as shown on Map "A" attached to the Report from the Development Planning Department dated May 25, 2020 be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw be forwarded to Public Hearing;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 25, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

Carried

3.13 Gallagher Road 2980, Z20-0021 - Kirschner

Moved By Councillor Given/Seconded By Councillor Singh

R0382/20/05/25 THAT Bylaw No. 12042 be read a first time.

Carried

Mayor Basran, Councillor Given - Opposed

3.14 Knowles Rd. 472, Z20-0029 - Amarjit S. Hundal, Jaswinder S. Nahal, Harminder S. Dhillon and Gurdip K. Dhillon

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

R0383/20/05/25 THAT Rezoning Application No. Z20-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 167 ODYD Plan 9341, Except Plans 13481 and 19834, located at 472 Knowles Rd., Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 25, 2020;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

3.15 Knowles Rd. 472, Z20-0029 - Amarjit S. Hundal, Jaswinder S. Nahal, Harminder S. Dhillon and Gurdip K. Dhillon

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0384/20/05/25 THAT Bylaw No. 12043 be read a first time.

Carried

4. **Bylaws for Adoption (Development Related)**

4.1 Underhill St 1940, BL11942 (OCP18-0015) - 1940 Underhill Developments Corp.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0385/20/05/25 THAT Bylaw No. 11942 be adopted.

Carried

4.2 Underhill St 1940, BL11943 (Z18-0071) - 1940 Underhill Developments Corp.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0386/20/05/25 THAT Bylaw No. 11943 be adopted.

Carried

4.3 McCurdy Rd 925-929, BL11994 (LUC20-0001) - NT Properties Ltd.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0387/20/05/25 THAT Bylaw No. 11994 be adopted.

Carried

4.4 McCurdy Rd 925-929, BL11995 (Z19-0132) - NT Properties Ltd.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0388/20/05/25 THAT Bylaw No. 11995 be adopted.

Carried

4.5 Alsgard St, McCurdy Rd, Leathead Rd - BL11996 (LUCT20-0001) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0389/20/05/25 THAT Bylaw No. 11996 be adopted.

Carried

4.6 Alsgard St, McCurdy Rd, Leathead Rd - BL11997 (Z20-0004) - City of Kelowna

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0390/20/05/25 THAT Bylaw No. 11997 be read adopted.

Carried

4.7 Gordon Dr 1171-1199, BL12005 (TA19-0021) - Manhattan Properties Ltd., Inc No. 21606

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0391/20/05/25 THAT Bylaw No. 12005 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Liquor Licensing Delegated Authority - COVID19 Recovery

Staff:

- Provided an overview of the temporary delegation authority on liquor license applications and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0392/20/05/25 THAT Council rescind the direction to opt-out of providing local government input to the Liquor and Cannabis Regulation Branch on liquor license applications;

AND THAT Bylaw No. 12048, being Amendment No. 7 to the Development Applications Procedures Bylaw No. 10540, be forwarded for reading consideration.

Carried**5.2 Amendment No. 7 to the Development Applications Procedure Bylaw No. 10540**Moved By Councillor DeHart/Seconded By Councillor SiebenR0393/20/05/25 THAT Bylaw No. 12048 be read a first, second and third time and be adopted. Carried**5.3 Expanded Patio Program - Bernard Avenue**

Staff:

- Displayed a PowerPoint Presentation outlining the temporary outdoor patio and pedestrian zones on Bernard Avenue and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor DeHartR0394/20/05/25 THAT Council receive, for information, the Sidewalk Patio Permit Temporary Expansion report from the Real Estate department dated May 25, 2020;

AND THAT Council support the closure of Bernard Avenue between Abbott Street and St. Paul Street, Abbott Street between Lawrence Avenue and Bernard Avenue, and Mill Street, to vehicle traffic from June 29, 2020 to September 8, 2020 to facilitate the temporary expansion of the Sidewalk Patio Permit over the road right of way area;

AND THAT Council support the establishment of a staff Public Space Task Force to review and approve general public space use requests throughout the City of Kelowna, as outlined in the report from the Real Estate department dated May 25, 2020;

AND THAT the 2020 Financial Plan be amended to re-instate the patio program revenue budget that was reduced at Final Budget;

AND FURTHER THAT Council direct staff to prepare bylaw and guideline amendments as required to implement the recommendations in the report from the Real Estate department dated May 25, 2020.

Carried**5.4 Update on Temporary Changes to Parking Operations**

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed temporary changes to Parking Operations and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor GivenR0395/20/05/25 THAT Council receives, for information, the report from Parking Services, dated May 25, 2020, with respect to an update on temporary changes to parking operations;

AND THAT Council directs staff, until June 15, 2020, to permit any vehicle parking in an on-street pay parking stall within the Downtown Zone B, Downtown Zone C or the South Pandosy

Urban Centre areas to do so without being required to make the payment as indicated in Traffic Bylaw No. 8120;

AND THAT Council directs staff to offer users of the mobile parking application, PayByPhone, the ability to use any on-street stall within the Downtown or South Pandosy Urban Centres for up to 30-minutes without charge, once per day for each customer, until August 31, 2020;

AND THAT Council directs staff to continue waiving the 30-day notice requirement for cancellation of monthly permits for holders that are not using their permit due to self-isolation, quarantine or working remotely until June 30, 2020;

AND THAT Council authorizes the Department Manager, Real Estate or Manager, Parking Services to make time sensitive or emergent parking modifications, until the Provincial State of Emergency has been rescinded, as/if required, to support the pandemic response;

AND FURTHER THAT Bylaw No. BL12047, being Amendment No. 37 to Traffic Bylaw No. 8120, be forwarded for reading consideration.

Carried

5.5 BL12047 - Amendment No. 37 to the Traffic Bylaw

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0396/20/05/25 THAT Bylaw No. 12047 be read a first, second and third time and be adopted.

Carried

5.6 Proposed Reporting Framework for Strategic Partnerships

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed reporting framework for the City's Strategic Partnerships and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0397/20/05/25 THAT Council receives, for information, the report of the Partnership Manager dated May 25, 2020 regarding a proposed reporting framework for the City's strategic partnerships.

Carried

Councillor Donn - Opposed

5.7 Non-Market Lease - 1055-1063 Ellis Street

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed construction of a 38 unit temporary supportive housing building on Ellis Street in partnership with BC Housing and the Canadian Mental Health Association and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Singh

R0398/20/05/25 THAT Council approves the proposed non-market lease of city-owned property located at 1055 and 1063 Ellis Street with BC Housing, as per the general terms and conditions outlined in the attached Non-Market Land Lease Agreement and attached to the Report of the Manager, Real Estate Services, dated May 25, 2020;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction;

Carried

5.8 Reporting Progress on Council Priorities 2019 – 2022

Staff:

- Displayed a PowerPoint Presentation summarizing the progress report on the 2019 - 2022 Council Priorities and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Singh

R0399/20/05/25 THAT COUNCIL receive the report from the Corporate Strategy & Performance Dept. Manager dated May 2020 with respect to reporting progress in 2019 on Council Priorities 2019-2022;

AND THAT COUNCIL direct staff to report back on the 2020 progress for Council Priorities in spring 2021.

Carried

6. Mayor and Councillor Items

Councillor Donn:

- BC Parks website crashed shows what people in the Province wish to do during the pandemic
- Looking forward to Parks Alive! and Festivals Kelowna updates.

Councillor Singh:

- Made comments on racial issues on the rise in other parts of the Province but not in Kelowna.

Councillor Sieben:

- Made comments on how the public may view and perceive how various businesses are operating.

7. Termination

This meeting was declared terminated at 4:55 p.m.

Mayor Basran

City Clerk

/cdm

REPORT TO COUNCIL



Date: June 1, 2020
To: Council
From: City Manager
Department: Development Planning

Application: Z20-0015 **Owner:** Amanda Maccormack and Donald Maccormack
Address: 4382 Gordon Drive **Applicant:** Donald (Mac) Maccormack
Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential
Existing Zone: Ru1 – Large Lot Housing
Proposed Zone: Ru6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 358 ODYD Plan 15098, located at 4382 Gordon Drive, Kelowna, BC from the RU1 – Large Lot Housing zone to the Ru6 – Two Dwelling Housing zone be considered by Council;

AND THAT Council, in accordance with *Local Government Act* s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 1, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

2.0 Purpose

To consider an application to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling, and to waive the Public Hearing.

3.0 Development Planning

Development Planning staff support the proposed rezoning from RU1 – Large Lot Housing zone to RU6 – Two Dwelling Housing zone as the subject property is within the Permanent Growth Boundary and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The proposal is consistent with the OCP policy related to compact urban form as the proposal would result in an increase in density and allow for infill development in an existing neighborhood close to amenities. The subject property is near several schools such as Dorothea Walker Elementary and Okanagan Mission Secondary School. The property is also in close proximity to transit bus routes. There is one existing single detached house on the property that is currently being substantially renovated. If approved the proposal would allow for the property to be subdivided, the existing house would remain on one lot, and two new dwellings could be constructed on the new proposed lot.

4.0 Proposal

4.1 Background

The proposed rezoning from RU1 to RU6 will facilitate a subdivision and two new dwellings on the subject property. Development Planning staff are currently tracking a Development Variance Permit Application to the required subdivision regulations with regards to minimum lot depth that would come forth for Council consideration should the land use be supported. Specifically, to accommodate the proposed subdivision a variance to reduce the minimum lot depth from 30m to 23.3m is proposed.

Project Description

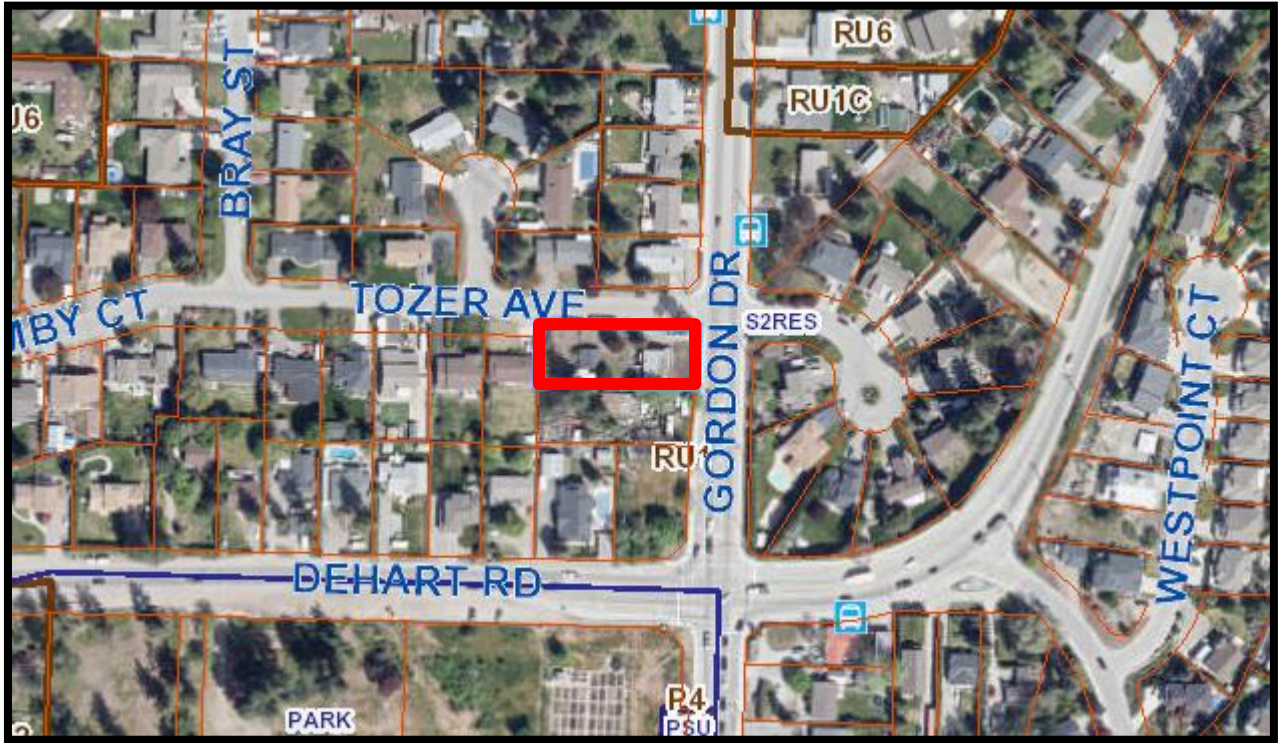
The applicant intends to rezone and subdivide and then build a 3-bedroom duplex/semi-detached structure on the new lot. A conceptual site plan has been provided showing that the existing house and proposed duplex could fit on the proposed lots (attached).

4.2 Site Context

The subject property is a corner lot in the North Okanagan Mission OCP Sector at the intersection of Gordon Drive and Tozer Avenue. The surrounding area is primarily RU1 – Large Lot Housing. The surrounding area primarily also has a Future Land Use Designation of S2RES – Single/Two Unit Residential. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	S2RES – Single/Two Unit Residential
East	RU1 – Large Lot Housing	S2RES – Single/Two Unit Residential
South	RU1 – Large Lot Housing	S2RES – Single/Two Unit Residential
West	RU1 – Large Lot Housing	S2RES – Single/Two Unit Residential

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 *Compact Urban Form*. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 – 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1

Objective 5.22 Ensure context sensitive housing development

Policy .6 *Sensitive Infill*. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Development Engineering Department

- See attached memorandum dated February 24th, 2020

7.0 Application Chronology

Date of Application Received: February 12th 2020

Date Public Consultation Completed: April 27th 2020

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Applicant's Letter of Rational

CITY OF KELOWNA

MEMORANDUM

Date: February 24, 2020

File No.: Z20-0015

To: Suburban and Rural Planning (AK)

From: Development Engineering Manager (JK)

Subject: 4382 Gordon Dr. RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU6. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Aaron Sangster.

1. Domestic Water and Fire Protection

a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email mthomas@kelowna.ca or phone, 250-469-8797.

2. Sanitary Sewer

a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at their cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary.

3. Storm Drainage

a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

4. Electric Power and Telecommunication Services

a) All proposed service connections are to be installed underground. It is the

developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

5. Road Improvements

- a) Gordon Dr. fronting this development has already been upgraded, and no further upgrades are required at this time.
- b) Tozer Ave. must be upgraded to a local standard along the full frontage of this proposed development, curb and gutter, sidewalk, drainage system, catch basin, manholes, irrigated landscaped boulevard, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R3.

6. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

7. Road Dedication and Subdivision Requirements

- a) Grant Statutory Rights of Way if required for utility services.
- b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) A ~2.70m road reserve along the full frontage of Tozer Ave. is required to obtain a 18m future ROW.

8. Geotechnical Report

Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

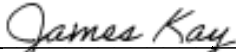
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

9. Design and Construction

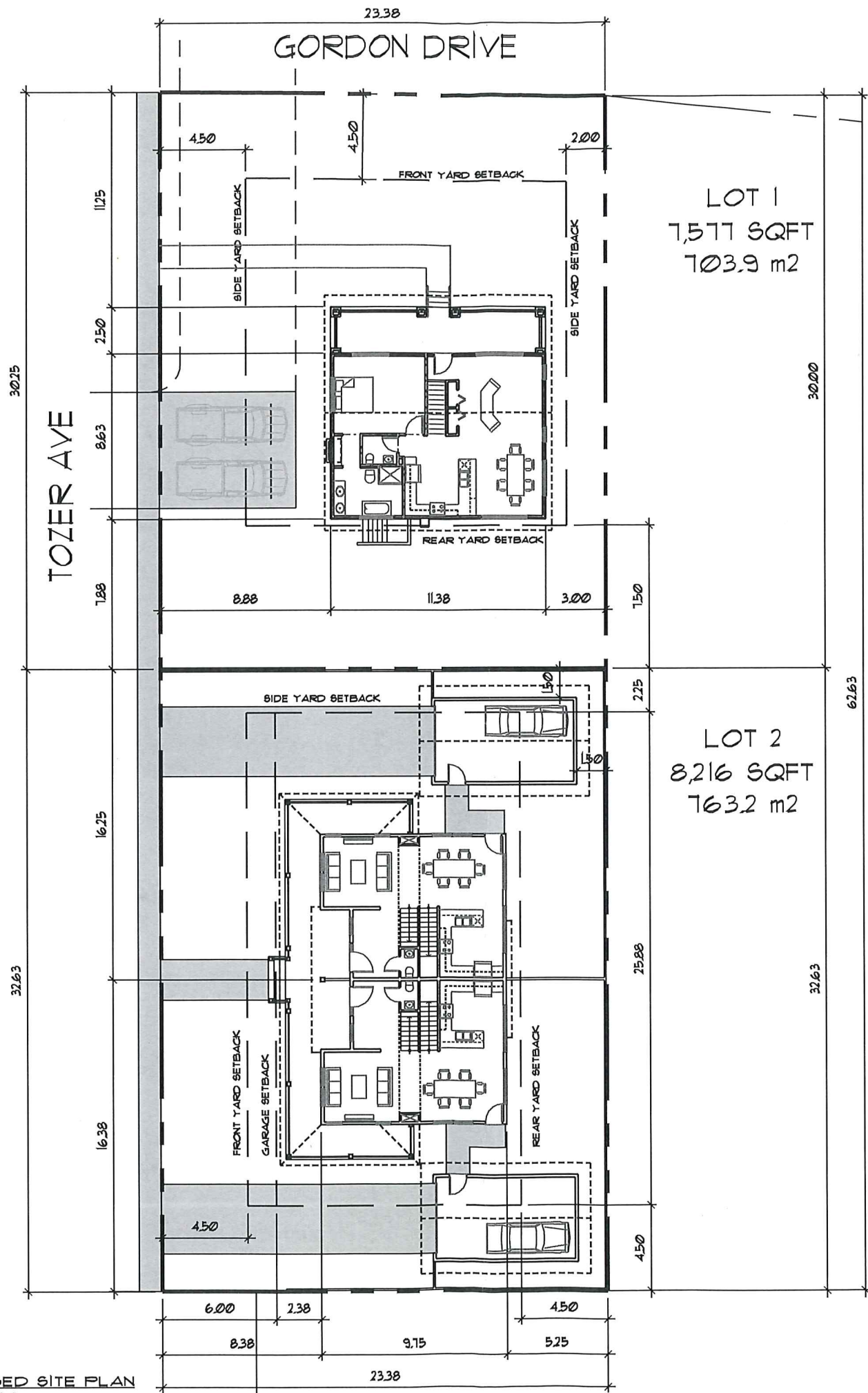
- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

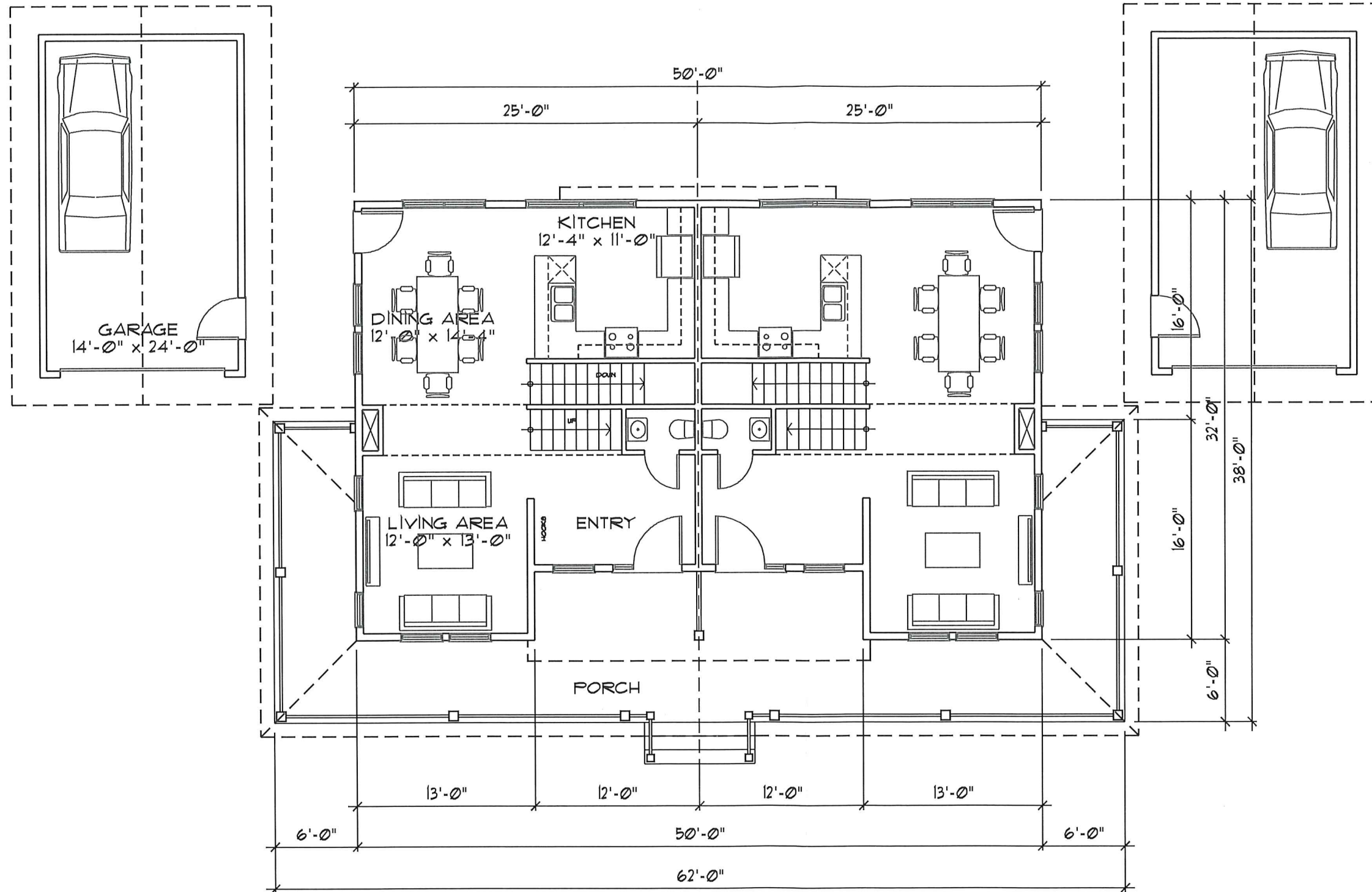


James Kay, P.Eng.
Development Engineering Manager
AS



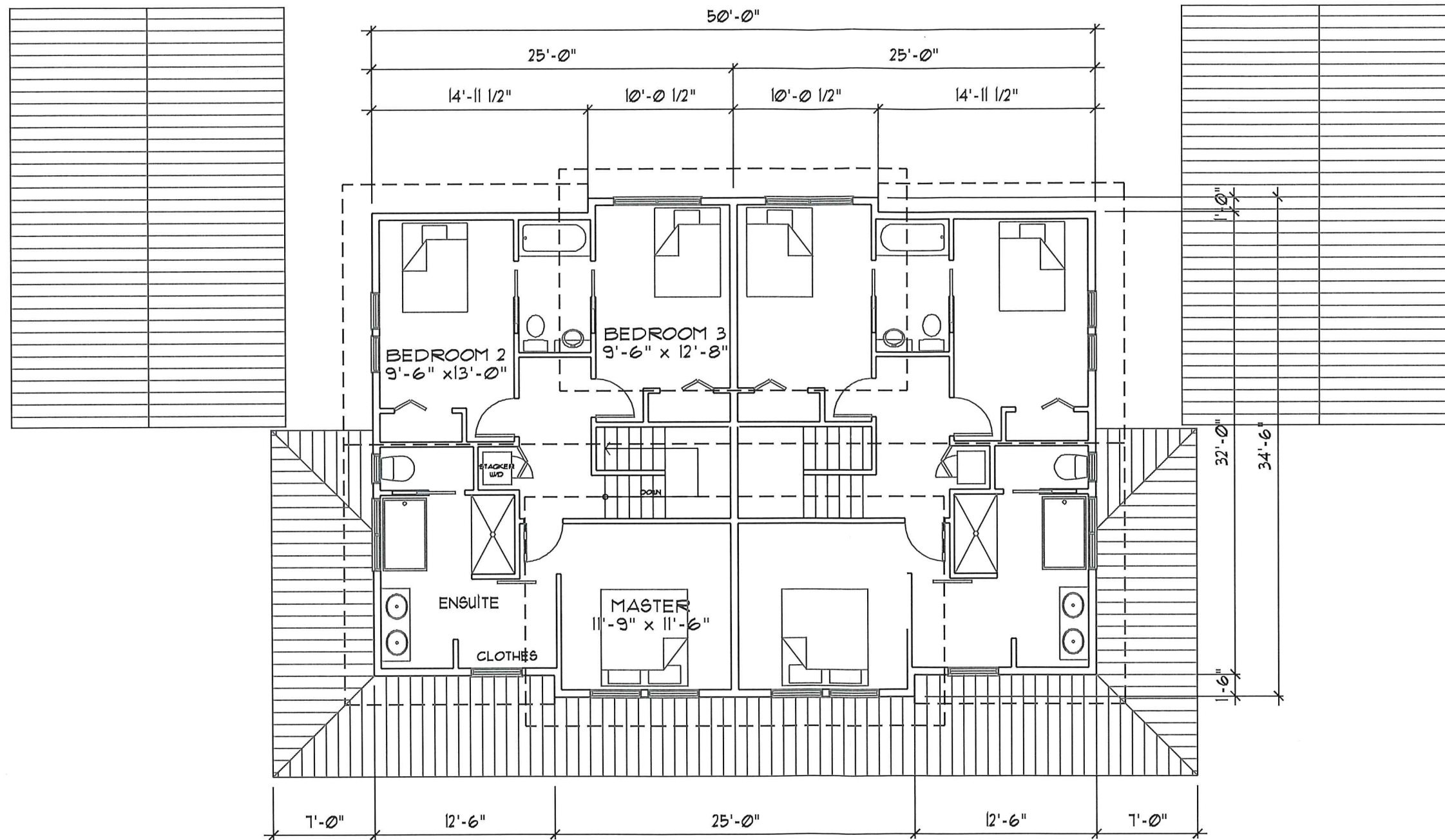
PROPOSED SITE PLAN
 SCALE: 3/32" = 1'-0"

4382 GORDON RD	
LOT 41 PLAN 15098	
SCALE: 3/32" = 1'-0"	PROPOSED SITE PLAN
DATE: JAN 16/20	
DRAWING No. A2	



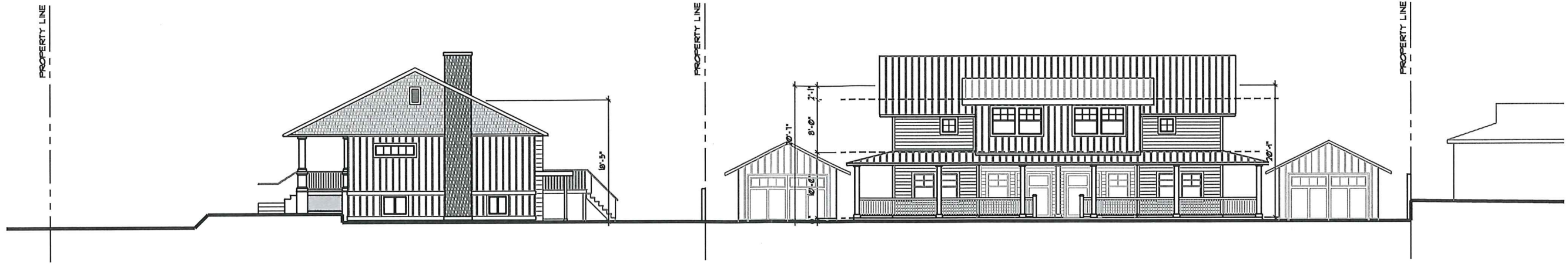
MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

4382 GORDON RD		
LOT 41 PLAN 15098		
SCALE: 1/4" = 1'-0"	FLOOR PLANS	
DATE: JAN 16 20		2
DRAWING No.		A3



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

4382 GORDON RD	
LOT 41 PLAN 15098	
SCALE: 1/4" = 1'-0"	FLOOR PLANS
DATE: JAN 16 20	
DRAWING No. A4	



FRONT (TOZER RD) ELEVATION
SCALE: 1/8" = 1'-0"



FRONT (TOZER RD) ELEVATION
SCALE: 1/4" = 1'-0"

4382 GORDON RD		
LOT 41 PLAN 15098		
SCALE: 1/4" = 1'-0"	ELEVATIONS	
DATE: JAN 16 20		
DRAWING No.		23
A5		



REAR (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"



SIDE ELEVATION
SCALE: 1/4" = 1'-0"

4382 GORDON RD
LOT 41 PLAN 15098

SCALE: 1/4" = 1'-0" ELEVATIONS
DATE: JAN 16 20

Planning Department
City of Kelowna
January 17, 2020

(by hand)

ATTACHMENT	B
This forms part of application # Z20-0015	
Planner Initials	ak
 City of Kelowna DEVELOPMENT PLANNING	

Attention: Alex Kondor Re: 4382 Gordon Rd. - Application to subdivide and rezone lot to RU1 and RU6 from current RU1 zoning.

Please find enclosed applications for the above property. These are revisions to my application submitted January 06, 2020.

Purpose of Application

It is our intention to seek application to subdivide and rezone our current RU1 lot at 4382 Gordon Road to RU1 and RU6. Subsequently, we will build and sell (2) - 3-bedroom townhouses. Our lot is currently 1467.3 m2.

This subdivision and rezoning fits well with the proposed 2040 Draft of Future Land Use. The location of the lot is in the Suburban-Residential area "S-RES" where the **Purpose** of that area is stated as "*Signal where low density residential development in suburban neighborhoods is to be located.* More importantly **Supported Uses** in that area is listed as "*Primarily single and semi-detached, semi-detached, with secondary suites. Three-plex, four-plex and cottage housing may be supported in proximity to frequent transit, schools and other amenities.*"¹

The FAR will be well under the maximum size allowed under RU1 and RU6 zoning. The location of the development fits well within the Permanent Growth Boundary for the city. The result would be a very aesthetically appealing streetscape that would complement and integrate well with the existing neighborhood layout and architecture. The location, design and intention of the proposed units addresses 6 out of the 8 vision statements of the current OCP²:

- ◇ Urban communities are compact and walkable
- ◇ Housing is available and affordable for all residents
- ◇ Walking paths and bicycles routes connect to key destinations
- ◇ Buildings and public spaces are attractive places
- ◇ People feel safe in their own neighborhoods
- ◇ Natural environment (land and water) is protected and preserved;

Summary

It is our intent that with this development we will provide options for what has been identified as the "Missing Middle" The design, location and price point will all be targeted to address this gap in current

¹ Draft of Future Land Use Official Community Plan 2040 Revised Aug 2, 2019

² Fact in Focus 2018 - Current Direction of the 2030 Official Community Plan The 2030 Official Community Plan (OCP) Bylaw No. 10500 was adopted on May 30, 2011

local housing needs. With densification comes economy and we believe we can produce a product that will be affordable and desirable.

We believe we can and have demonstrated that the proposed rezoning and subdivision application not only meets the current OCP but the also the direction of the future 2040 OCP as well.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. MacCormack" followed by a stylized flourish.

Amanda and Mac MacCormack



Z20-0015

4382 Gordon Drive

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 to RU6 – Two Dwelling Housing.

Development Process

Feb 12th 2020

Development Application Submitted

Staff Review & Circulation

April 27th 2020

Public Notification Received

May 25th 2020

Initial Consideration

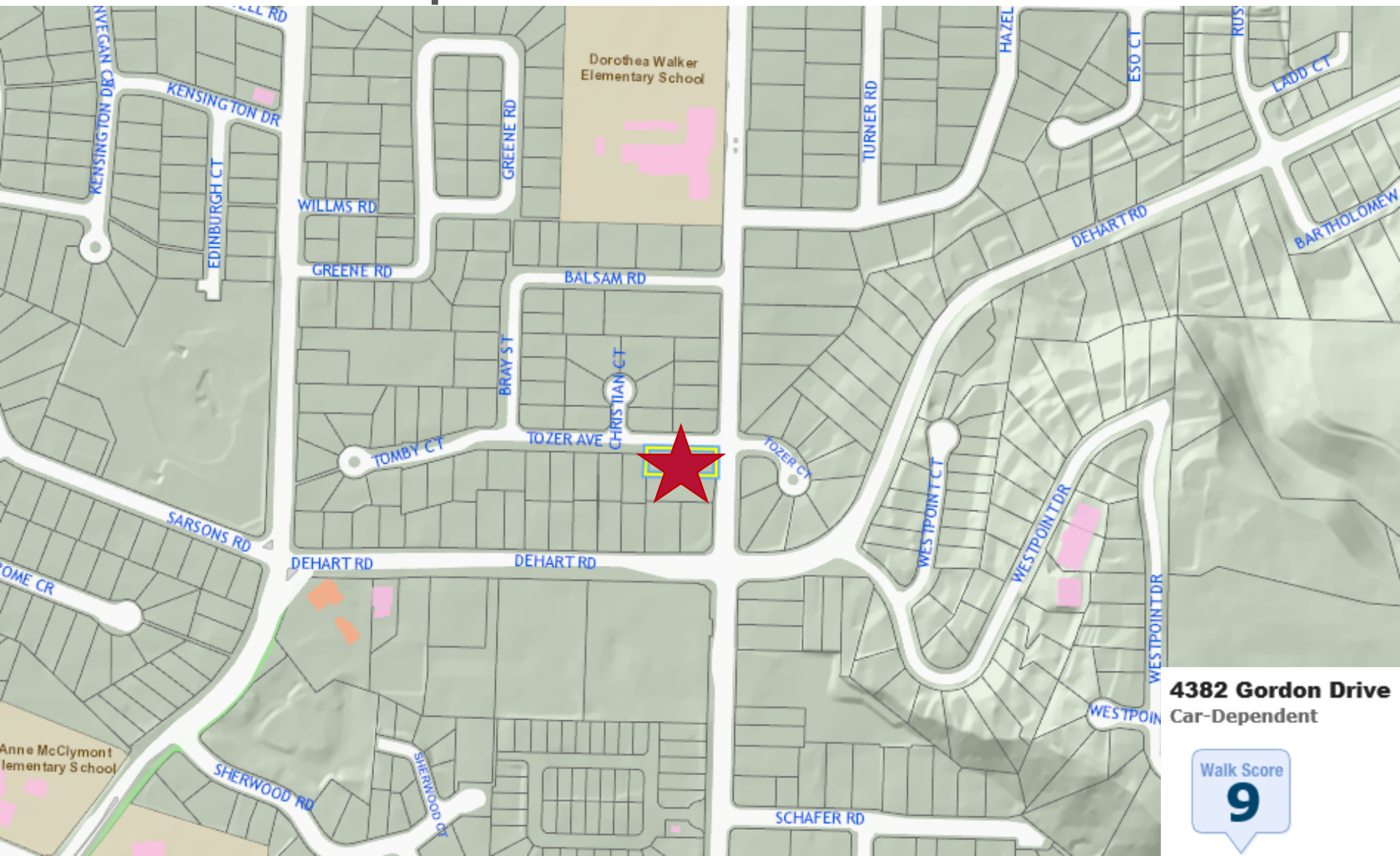
Public Hearing Waiver, Second & Third Readings

Development Variance Permit/Final Reading

Subdivision, Building Permit

Council Approvals

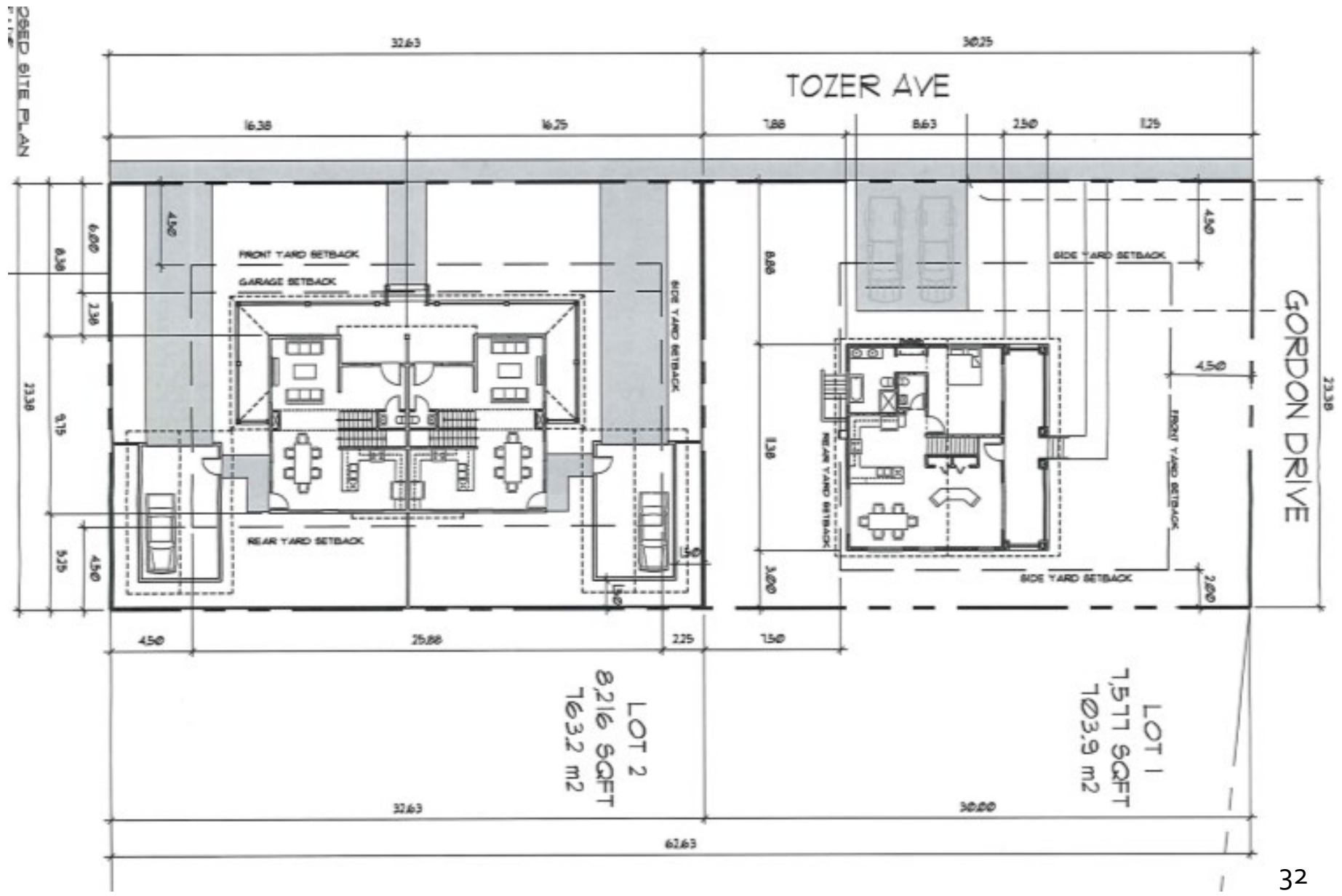
Context Map



Subject Property Map



Conceptual Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill
 - ▶ Compact Urban Form
- ▶ Consistent with Future Land Use Designation

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding residential density



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12049

Z20-0015 – 4382 Gordon Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 358, ODYD, Plan 15098 located at Gordon Drive, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing Waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12033 for Z20-0024 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 1, 2020 with respect to the summary of correspondence received for Zoning Bylaw No. 12033;

AND THAT Rezoning Bylaw No. 12033 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12033 and to give the bylaw further reading consideration.

Background:

At the March 23, 2020 Council Meeting, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications if they are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gatherings of people, whichever is later.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Discussion:

Rezoning Application Z20-0024 for 125 Bach Rd was brought forward to Council for initial consideration on May 11, 2020. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between May 13, 2020 and May 25, 2020.

The Office of the City Clerk received zero pieces of correspondence.

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12033, located at 125 Bach Rd, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act*, Council may choose to give a bylaw further reading consideration, advance the bylaw to a Public Hearing, or defeat the bylaw. These are the same options available to Council for a bylaw that is considered at a Public Hearing.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: L. Bentley, Deputy City Clerk

cc:

Development Planning

CITY OF KELOWNA
BYLAW NO. 12033
Z20-0024 – 125 Bach Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD Plan 19679, located on Bach Road, Kelowna, BC from the RU1 – Large Lot Housing zone to RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of May, 2020.

Public Hearing Waived by the Municipal Council this 11th day of May, 2020.

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Consolidated Sidewalk Seating Program Guidelines 2020
Department: Real Estate

Recommendation:

THAT Council receive, for information, Consolidated Sidewalk Seating Program Guidelines 2020 report from the Real Estate department dated June 1, 2020;

AND THAT Council endorse the Consolidated Sidewalk Seating Program Guidelines 2020 as outlined in the report from the Real Estate department dated June 1, 2020, which replace the Consolidated Sidewalk Seating Program Guidelines 2019;

AND FURTHER THAT Bylaw No. 12045 being Amendment No. 38 to Traffic Bylaw No. 8120 be given reading consideration and final adoption

Purpose:

To give reading consideration to amending Bylaw No.12045 to support the Consolidated Sidewalk Seating Program Guidelines 2020 governing the patio program during the 2020 summer season

Background:

On May 25th, Council endorsed staff's recommendations to use the existing patio permit program to:

1. Close a portion of Bernard Avenue to vehicular traffic and expand the principles of the sidewalk seating program over the entirety of the roadway; and
2. Create a Public Space Task Force authorized to review and approve appropriate requests for the temporary use of public lands throughout Kelowna (such as plazas, parks, parklets, roads, etc.) in a manner that is consistent with the intentions and general guidelines of the existing patio program.

Discussion:

While applications for patios, whether on Bernard and other areas of the City, will follow most of the Consolidated Sidewalk Seating Program guidelines, minor amendments are required to ensure that participants have a clear understanding of the program.

Recommendations:

Staff are recommending the proposed "Consolidated Sidewalk Seating Program Guidelines 2020" supersede the Consolidated Sidewalk Seating Program Guidelines, endorsed by Council in April 2019.

The changes proposed in the "Consolidated Sidewalk Seating Program Guidelines 2020" are tracked and shown in Schedule A.

As summary of the changes are outlined below:

- 1) Addition of a new definition and classification for the new "Temporary Bernard Roadway Patio",
- 2) Reducing the Application and Amendment fees to \$100.00 for 2020;
- 3) Confirming use Modu-Loc VIP fencing for licensed seasonal patios for the summer of 2020 only;
- 4) Addition of three new clauses:

Drinkware – Permit Holders who are Food and Liquor Primary Licensees must serve beverages in plastic drinkware when it is to be consumed within a Temporary Bernard Roadway Patio. Glass drinkware will continue to be allowed within Normal Patio Permit Areas. Other Permit Areas may be allowed or denied use of glass drinkware at the discretion of City staff.

Liquor Service - Permit Holders who are Food and Liquor Primary Licensees shall not allow any person other than employees to transfer liquor between the establishment and the Temporary Bernard Roadway Patio.

Shoplifting Prevention - Permit Holders are advised to implement appropriate security measures to deter and prevent shoplifting, such as; managing adequate staffing levels to monitor merchandise, use of security cables and maintaining clear sight lines to merchandise displayed within Permit Areas.

- 5) A new application form; and
- 6) Confirmation that the per square foot rate for the patio fees has been reduced by 50% for the 2020 season.

Staff are also recommending the following bylaw changes as shown in Bylaw No. 12045 and outlined below:

- 1) Addition of a new definition for the Temporary Bernard Roadway Patio;
- 2) Addition of a subsection 7.1.5 B which describes the Temporary Bernard Roadway Patio; and;
- 3) Amendment to Schedule A to reflect the reduced fees;

Conclusion:

The proposed changes to the guidelines and bylaws will allow staff to implement the temporary expansion of the City's Sidewalk Patio Program approved on May 25, 2020. Should Council endorse

staff's recommendations, implementation would be effective immediately for implementation of the proposed patio program.

Internal Circulation:

City Clerk's Office

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
External Agency/Public Comments

Submitted by: J. Adamson, Manager, Property Management

Approved for inclusion: J. Saufferer, Department Manager, Real Estate

- Attachments:
1. Schedule A – Consolidated Sidewalk Seating Program Guidelines 2020 – blackline version - tracked changes
 3. Schedule B– PowerPoint Presentation

City of Kelowna

Consolidated Sidewalk Patio Program Guidelines 2020

~~April 2019~~ June 2020

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Introduction

This document is intended to unify and simplify the March 2014 Bernard Avenue Patio Guidelines and the 2007 Sidewalk Seating and Sidewalk Café Extension Programs, taking inspiration from program experience together with community and commercial owner feedback.

During 2012 and 2013, Bernard Avenue underwent an extensive revitalization which reduced the number of vehicle travel lanes from four to three and changed the on-street parking from angle to parallel. This resulted in a revitalized and much wider sidewalk.



The sidewalk has been divided up into three zones, the frontage zone (adjacent to the buildings), the pedestrian movement zone (in the middle), and the furnishing zone (adjacent to the curb).

The Bernard Avenue Sidewalk Patio Program was designed to address the specific needs of Kelowna's "Main Street" to attract residents and visitors and promote activity in the downtown core. The program provided a guide to applying for and utilizing the frontage zone and was authorized by *Bylaw 10814 Amendment No 22 to Traffic Bylaw 8120*.

These Bernard guidelines are now expanded to businesses anywhere within Kelowna that occupy interior space and are engaged in food and beverage service or product sales. The guidelines apply to all patios on public property.

A Permit Holder may be allowed to utilize space on the public sidewalk directly in front of the place of business, with the stipulation that a minimum of 2-meters clear sidewalk width must be maintained for pedestrian movement. Consultation of neighboring business owners is required prior to construction of any sidewalk patio structure, although they do not hold a veto on patios outside of their frontage.

A sidewalk extension can also be proposed in areas without extra sidewalk to expand into by using parallel or angled parking stalls. This document's main section and appendices provide all details relating to size, usages, quantities of stalls that may be removed, components and various other details that must be followed for the construction and use of a public patio on roadway.

In addition to enabling food and beverage businesses to utilize sidewalk space for patio seating, this program also provides opportunities for retailers to create temporary or permanent outdoor visual displays.

Definitions

- a. **Active Use** – are the days when the business is actively using the patio to serve customers
- b. **Annual Patio** – a patio that is in use January 1st to December 31st annually
- c. **Applicant** – the registered owner of the business that is applying for a sidewalk patio permit
- d. **Consolidated Sidewalk Patio Program Guidelines** - consolidation of the Bernard Avenue Patio Program Guidelines, and the Sidewalk Seating and Sidewalk Extension Programs for all patios on City-owned public property
- e. **Building Owner** – the owner of the building that houses a business run by a Business Owner
- f. **Business Owner** – the owner of a business run by a Business Owner
- g. **Furnishings and Equipment** – all objects other than the Perimeter Structure, Sandwich Board Signs, and Planters used in the operation of the Permit Area, including but not limited to tables, chairs, umbrellas, serving carts, portable heaters, etc.
- h. **General Use Patio** – is defined as a patio for any use except the consumption of alcohol
- i. **Good Neighbor Bylaw** – means *Good Neighbor Bylaw 11500* and any amendments thereto
- j. **Large Patio No Liquor / Large Retail Display** – a patio that exceeds 2 small tables or 6 chairs total and does not serve alcohol; a retail display that occupies more than 6 feet of building frontage
- k. **Large Patio – Food and Liquor** – any patio that allows alcohol to be consumed; a patio that must have a Perimeter Structure as required by the Liquor Control Licensing Branch
- l. **Menu Board** – any single-sided sign, attached to a building or freestanding, for the purpose of identifying food and/or beverages for sale. May not be attached to the Perimeter Structure, nor lean unattached to any patio or building component
- m. **Pedestrian Right-of-Way** – The “Sidewalk” portion area intended for pedestrian use only and extending from the adjoining property line to a point allowing no less than 2 meters of unobstructed pedestrian flow. No sandwich boards or other materials may enter this area
- n. **Perimeter Structure** – any structure erected within the Frontage Zone to enclose a Permit Area for the use of the adjoining business
- o. **Permit Area** – that portion of the Frontage Zone that an adjoining business is entitled to use under the provisions of the Permit Program
- p. **Permit Holder** - the registered owner of the business that been approved and continuously maintains a sidewalk patio permit with the City
- q. **Planter** – any freestanding container used for the purpose of displaying vegetation
- r. **Sandwich Board Sign** – a freestanding, self-supporting structure with two leafs hinged together, for the purpose of advertising a business or its products and/or services
- s. **Seasonal Patio** – a patio that is in use May 1st to September 30th only
- t. **Sidewalk Café Extension/Roadway Occupancy Permit** – a patio using parallel or angled parking stalls, where the total loss of parking is equal or less than 20% of the total parking allocated to the City block
- u. **Sidewalk Café Extension Program Guidelines** – guidelines for the construction and use of parallel or angled parking stalls and contained in Part 19
- v. **Sign Bylaw** – means *Sign Bylaw 8235* and any amendments thereto
- w. **Small Patio / Small Retail Display** – a frontage zone that is used for retail purposes occupying less than 6 feet of building frontage or food serving purposes that does not exceed 2 small tables and 6 chairs total

- x. **Stanchion** – a portable, freestanding vertical element supported by a flange or base.
- y. **Temporary Use Permit** – a permit to use the Frontage Zone for a single community based one-off event. Limited to two (2) events, consisting of a maximum of two (2) days each, per year
- y-z. **Temporary Bernard Roadway Patio** – a temporary patio area located on the Bernard Roadway that is in use from July 1st upto and including September 7th, 2020.
- z-aa. **The City** - the municipal corporation of the City of Kelowna and registered owner of the sidewalk premises that are to be occupied by the Applicant
- aa-bb. **Traffic Bylaw** – means *Traffic Bylaw 8120* and any amendments thereto

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1. Sidewalk Seating Programs

~~Three~~ **Two** programs are available to businesses wishing to use the public sidewalk for **temporary, seasonal, or** annual usage. All space utilized must meet with the City of Kelowna Consolidated Sidewalk Patio Program Guidelines **2020**:

- a. Sidewalk Seating - a sidewalk patio operated by a food/beverage or retail business utilizing the designated frontage zone directly fronting their business.
- b. Sidewalk Café Extension/Roadway Occupancy Permit – a sidewalk extension can be proposed in such cases where a food and beverage only business wishes to provide a sidewalk patio on a street without a designated frontage zone. The Sidewalk Café Extension Program (Part 19) has been developed to outline the additional requirements and processes for developing these patios.
- c. Temporary Bernard Roadway Patio – a patio on the Bernard Avenue roadway by a food/beverage or retail business utilizing the designated roadway fronting their business

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2. Application Requirements

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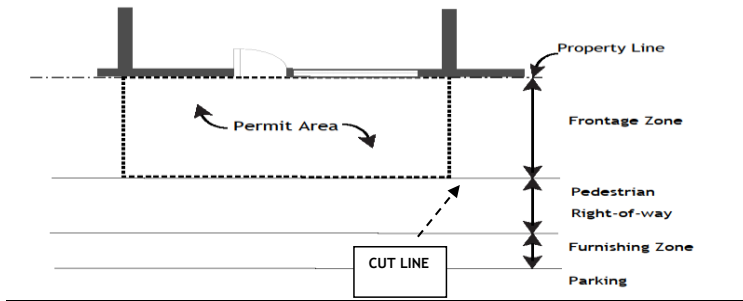
a) Application Form and Fee:

Applicants shall submit a complete Application Form (Schedule B) and a non-refundable \$~~1300.00~~ application fee for new applications. An application fee is not required in subsequent years where a seating facility has been in continuous operation and where the layout and/or design of the facility, in the estimation of staff, has not been significantly altered. Any change in scope of an existing patio permit will be charged a fee of \$~~1080.00~~. An application fee is not required for a Sandwich Board Sign, but all signage must be approved by the City.

b) Permit Area Plan

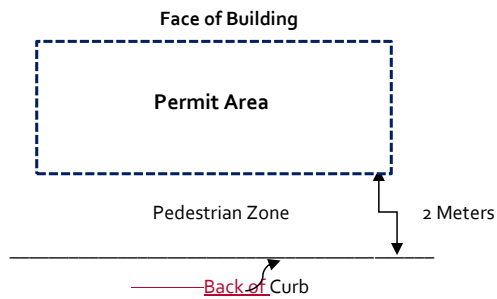
i) Bernard Avenue Patios

The Permit Area is measured from the face of the building to the cut line.



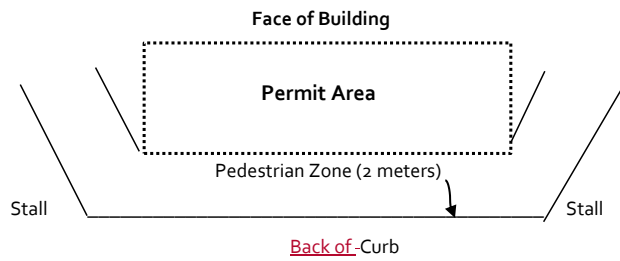
ii) Sidewalk Patio - All City Areas

The Permit Area is measured as the remainder of the Pedestrian Zone less the space 2 meters from the curb. The remaining space between the face of the building and the Pedestrian Zone is the Permit Area.



iii) **Sidewalk Café Extension – All City Areas**

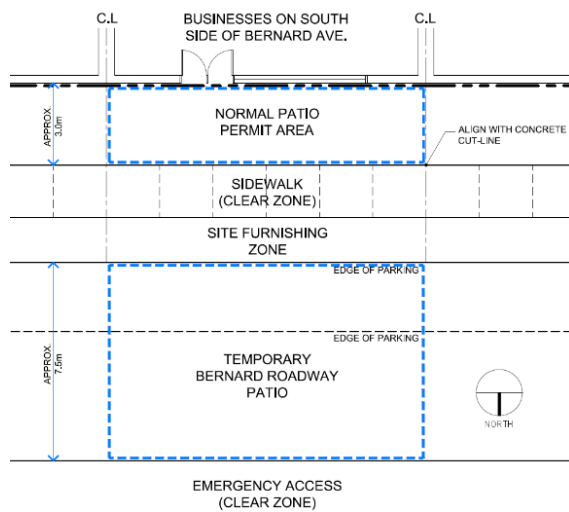
The Permit Area is measured using the exact space taken from on-street parallel or angled parking stalls and put towards the Permit Area which must be fenced with the Pedestrian Zone placed around the Permit Area.



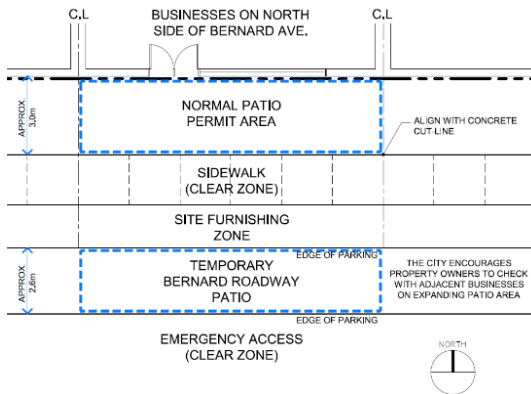
iv) **Temporary Bernard Roadway Patio**

The Permit Area is measured from the back of the curb separating the furnishing zone and the parking space, into the roadway up to 7.5m for business on the south side of Bernard or 2.6m for business on the north side of Bernard. If the furnishing area is wider than normal, the permit area would be reduced, as the 6m emergency ROW cannot be impeded.

Business on the south side of Bernard



Business on the north side of Bernard



3. Permit Area Calculation:

Annual Fee Calculation by Permit Type			
	Small Patio/Small Retail Display	Large Patio no Liquor/Large Retail Display	Large Patio with Liquor
	Fixed fee	-	-
+	-	(Permit Area) x fee rate/sf	(Permit Area) x fee rate/sf
+	-	-	Per chair charge
=	Total Fee	Total Fee	Total Fee

4. Conditions of Use

The following conditions apply to use of the Permit Area:



a) **Permit Area Surface** - No underfoot surface other than the existing concrete surface is allowed on a sidewalk patio, while the underfoot material on parking extensions will be approved on a case-by-case basis. Painting of the surface is prohibited as is overlay with any material or structure. The surface must at all times be kept free of debris and materials that could stain or corrode the concrete. Permit Holders are responsible for cleaning and/or repairing any damage to the Permit Area surface.

- b) **Extension of Permit Area** – the Permit Area may extend into adjacent vacant Frontage Zone area(s) with the written consent from the neighboring Business/Building Owner(s). Approval must be submitted on Schedule B with the application. At any time, the neighboring Business/Building Owner(s) may terminate the use of the extended Permit Area within their designated Permit Area. Said termination shall be submitted in writing to the City and Permit Holder.
- c) **Sandwich Board Sign** –All sandwich board signs must be approved by the City. The maximum dimensions of any Sandwich Board Sign is 760 mm (30 in.) wide x 915 mm (36 in.) high, and the maximum height is 950 mm. (37 in.) above the Permit Area surface. There are no restrictions on sign messages, fonts, or colors. Sandwich Boards Signs must be removed from the Permit Area when not in active use, e.g. when the business is closed. Only one Sandwich Board Sign is allowed per business frontage and must be placed no further than 18” from the Business Owner’s property line. **All sandwich boards require a Certificate of Insurance to be completed and submitted to the City.**
- d) **Planters** - must contain living, healthy plant materials; plants and planters must be maintained in a presentable condition and any debris that falls to the Permit Area or Pedestrian Right-of-Way surface must be collected and disposed of by the Permit Holder. Planters with seasonal vegetation must be removed from the Permit Area when the vegetation has passed its period of prime growth. There are no restrictions on planter materials, colors, shapes, or sizes. However, Permit Holders are encouraged to use discretion in the selection of plant materials. Plants that have thorns or brambles or that otherwise could inadvertently cause injury to patrons or pedestrians should be avoided. Planters must be installed in a way that minimizes any negative impact to the underfoot surface. The City reserves the right to remove plant materials and planters deemed to be a risk to public safety.
- e) **Perimeter Structures** Permit Holders who are Food and Liquor Primary licensees must enclose the outdoor seating area with a Perimeter Structure as per the terms set out by the BC Liquor Control and Licensing Branch. Any structure within a Permit Area must be approved by the City and meet the standards set out in the B.C. Building Code, if applicable.



elements is permissible but optional.

For seasonal patios, for summer of 2020 only, Permit Holders may utilize Modu-Loc black VIP fencing, or another alternate approved by Property Management. When using Modu-Loc fencing, plastic safety ramps must be used for the base of the fencing on sides that abuts pedestrian zones.

For all Permit Holders who are not Food and Liquor Primary licensees, enclosure of the Permit Area with a Perimeter Structure or demarcation with Planters, Stanchions, or other free-standing

- i. **Securing in place** – Perimeter Structures must be stable and securely fastened in place using City of Kelowna approved fastening systems. Only Perimeter Structures are allowed to be secured to the Permit Area surface. Any holes in the Permit Area surface must be repaired at such time as the structure is removed.
- ii. **Height** – the height of any Perimeter Structure must be between 850 and 950 mm. (33 to 37 in.) above the Permit Area surface.
- iii. **Materials** - acceptable Perimeter Structure materials are wrought iron, galvanized steel, stainless steel, aluminum, tempered glass, glass block, wood S4S, and natural and coated fabrics. Lexan and equivalent polycarbonate plastics, tightly-woven metal mesh, and stamped, etched, or perforated metal panels are also acceptable. Plastic composite materials are acceptable only as structural/framing components. Natural and cultured stone can be used for piers and plinths but not as wall applications. Planters and stanchions can also be used to enclose or demarcate Permit Areas.

Precast concrete, bamboo, masonry block, ceramic tiles, pressure-treated wood, plywood and other sheathing materials, and stucco, brick, and other residential exterior siding materials are not allowed.

The above is not intended as a complete list of materials. Other materials could be allowed or denied at the discretion of City staff. Any material proposed must provide for the safety of patrons, the business’s staff, and passing pedestrians and must not damage or cause deterioration of the Permit Area or the adjoining Pedestrian Right-of-Way.

No advertising may be etched, painted, hung or otherwise added to the Perimeter Structure.

- iv. **Visual Permeability** – materials that allow a high degree of Visual Permeability are preferred, e.g., glass or wrought iron.
- v. **Visual Interest** – detailing of the Perimeter Structure is encouraged to provide visual interest and to help animate the street. Vegetation incorporated as part of a Perimeter Structure is considered a means of adding visual interest.

f) Drinkware - Permit Holders who are Food and Liquor Primary Licensees must serve beverages in plastic drinkware when it is to be consumed within a Temporary Bernard Roadway Patio. Glass drinkware will continue to be allowed within Normal Patio Permit Areas. Other Permit Areas may be allowed or denied use of glass drinkware at the discretion of City staff.

g) Liquor Service - Permit Holders who are Food and Liquor Primary Licensees shall not allow any person other than employees to transfer liquor between the establishment and the Temporary Bernard Roadway Patio.

h) Shoplifting Prevention - Permit Holders are advised to implement appropriate security measures to deter and prevent shoplifting, such as; managing adequate staffing levels to

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monitor merchandise, use of security cables and maintaining clear sight lines to merchandise displayed within Permit Areas.

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i) Furnishings and Equipment - other than portable outdoor heaters, all Furnishings and Equipment must be removed from the Permit Area when not in Active Use, e.g. when the Permit Holder's business is closed. When not in Active Use, Furnishings and Equipment of a seasonal nature must also be removed from the Permit Area. Furnishings must be of high quality and durability, and approved by the City.

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j) Projections into the Pedestrian Right-of-Way - Perimeter Structures as well as any Furnishings and Equipment, e.g. awnings and umbrellas must maintain a minimum 75 mm (3 in.) clearance from the adjoining Pedestrian Right-of-Way. This provision does not apply to any Stanchion, pier, or other vertical structural or framing member provided such components do not project into the Pedestrian Right-of-Way. Planters and Sandwich Board Signs must maintain a minimum 300 mm (12 in.) clearance from the adjoining Pedestrian Right-of-Way.

k) Access/Egress from Permit Area – Permit Holders must provide and maintain wheelchair access to and within the Permit Area. Access through the Permit Area to the building interior for emergency services must also be maintained. Gates or other components of a Perimeter Structure that restrict access to, or egress from the Permit Area are not allowed, unless specified by the Permit Holder's liquor license.



l) Overhead Structures – overhead structures, e.g., trellises, canopies, etc., whether freestanding or attached to a building or Perimeter Structure, are not allowed. This provision does not apply to awnings that come under the jurisdiction of *Sign Bylaw No. 8235*.

m) Menu Boards - Signs/signage within the Permit Area is restricted to Menu Boards. The maximum size of Menu Boards is 760 mm (30 in.) wide x 915 mm (36 in.) high. Menu Boards can project to a height of 1,525 mm (60 in.) above the Permit Area surface when supported by a freestanding structure such as an easel. Menu Boards may not lean against a Perimeter Structure, Equipment and Furnishings, or a Planter:

- i. Menu Boards may be electrically illuminated, e.g. backlit or with pendant lighting. Electrical connections for such purposes cannot be served by extension cords or other temporary connections and must not be visually obvious.
- ii. The above stipulations are in addition to any provisions of *Sign Bylaw No. 8235*.

n) Colors – there are no restrictions on the colors that may be used with regard to any component of a Perimeter Structure, Furnishings or Equipment, Planters, Sandwich Boards or menu boards within the Permit Area.

o) Outdoor Heating – Portable heaters for seasonal use are acceptable provided they meet the terms and conditions of any agency having jurisdiction over their use. Outdoor heaters are

considered to be Furnishings and Equipment. Outdoor heaters are not allowed to be under the tree canopy.

- (P) Lighting / Illumination** –electrical or solar-powered illumination of either a functional or decorative nature is allowed within the Permit Area provided the lighting does not spill over to the adjacent pedestrian zone or adjacent patios.
- (S) Special Events** – in conjunction with a single Special Event, flags, pennants, banners, bunting, and other decorative features and elements are allowed as per the terms of *Sign Bylaw No. 8235*.
- (M) Maintenance** – Perimeter Structures, Equipment or Furnishings, Planters, and Sandwich Board Signs must be inspected regularly and maintained in a safe and presentable condition. Any loose or protruding parts, peeling or bubbling paint or stain, and splinters, burrs, and sharp or jagged edges must be removed.
- (C) Cleaning** – The Permit Holder shall remove all trash from the Permit Area on a regular basis during business hours, and shall keep the Permit Area in a clean, orderly, litter-free and hazard-free condition:
 - i. The Permit Holder shall remove litter from the abutting properties which may have come from the Permit Area.
 - ii. The Permit Holder shall not place any solid waste in the City solid waste containers.
 - iii. The Permit Holder will regularly power wash the Permit Area to remove soil and grease.

5. Application Requirements – applicants are cautioned that applications will not be considered complete without the following documents:

- a) **Drawings:** Applicants shall submit:
 - i) A plan at 1:100 scale of the proposed facility, including entrances to all buildings, any landscaping, parking zones and bus stop locations, and any existing street furniture and/or appurtenances within a distance measured from 3 meters on either side of the business frontage;
 - ii) A list of materials and supplies to be installed in the Permit Area; and
 - iii) A description of signage intended for use on the patio (see Section 16)

Dimensions and square footage of the patio area must be indicated on the drawing

- b) **Security Deposit:** Prior to the issuance of a permit, the Applicant shall place with the City a cheque or cash deposit in the **amount of \$500.00** as security that the obligations imposed by the permit are fulfilled and to reimburse the City for the cost of any damage to the sidewalk, walkway, roadway, or other City facilities as a result of occupancy.
- c) **Certificate of Insurance:** The City's standard Certificate of Insurance is included in the permit package as Schedule D, and must be completed by the Applicant with the signed original returned to the City as part of the application package. Applicants shall, without limiting their obligations or liabilities under this permit, procure and maintain, at their own expense and cost, insurance in the amount of \$2,000,000.00 not including the automobile liability insurance requirement under Section 2 of the City of Kelowna *Traffic Bylaw 8120*. The insurance policy shall be maintained continuously as long as a permit is in effect. **Proof of insurance must be emailed**

to city officials at PropertyManagement@kelowna.ca by April 1st of each year a permit is in place.



d) Consultation Process (Schedule C – not required for Temporary Use Permit)

Each business using solely their own frontage for a patio will consult neighboring businesses, but will not have their application vetoed in the absence of neighbor consent. Where there is a proposed patio extension into roadway and a loss of parking, the City will consult with the appropriate Business Association to ensure they are aware of the application and request for removal of parking. The City reserves the right to not approve an application if there is significant lack of consent:

i. Within the establishment frontage: Building Owners and

Permit Holders adjacent to a proposed outdoor seating area will be notified by the Applicant that an application for a patio is being submitted to the City for approval. This notification is intended to give such businesses and owners the option of communicating any concerns to the City related to a proposed seating area, so that these concerns might be considered in the siting and design of the proposed seating facility.

ii) Food and Beverage Business Located Above Street Level: Food and beverage businesses located above street level must have the consent of any business(es) located at street level in the same building whose street frontage coincides with the proposed outdoor seating area. Where a conflict exists between a business above street level and a business at street level who share the same Building Owner, the Building Owner will determine which business will occupy the outdoor seating area. This provision applies regardless of whether the proposed facility would be located immediately adjacent to the building or on the curb side of the sidewalk. Written agreement from such businesses must be submitted to the City as a condition of approval for a permit.

iii) Other Businesses Located Above Street Level: Other businesses located above street level in the same building whose street frontage coincides with the proposed outdoor seating area must be consulted as a part of the permit process. Where there is a conflict between the businesses in the building, the majority, either in favor or against, will rule. Where there is only one (1) other business in the building and it is against, the Building Owner will determine if the outdoor patio application will be approved. Written approval from the Building Owner must be submitted to the City as a condition of approval for a permit.

iv) Application to Use Vacant Neighboring Frontage: A business may make application for vacant neighboring frontage by completing and submitting to the City the form set out in Schedule C. The permission granted in Schedule C may be rescinded by the Business and/or Building Owner at any time.

e) Other considerations:

a) No portion of the Pedestrian Zone or Furnishing Zone may be occupied for any reason.

- b) Use is limited to businesses that occupy interior space and are engaged in business in an area that is in front of their business. Patio use must be directly related to the use of the interior space.
- c) All space utilized must meet with the City of Kelowna Patio Guidelines. Consultation of neighboring business owners, as per the Schedule C attachment, is required prior to construction of any patio structure.

6. Changes to Permit Area

Any Permit Holder proposing physical changes to an existing outdoor seating area must re-apply to the City. The application must include plans and any elevations describing the proposed changes. A \$180.00 application fee must also be submitted. An updated Certificate of Insurance may be required as deemed necessary by City staff. The existing security deposit held by the City as part of the initial application will continue to apply and may be increased if the Permit Area is also increased.

7. Permit Fee

The permit fee has been informed by an independent appraisal and takes into account the market value of the City-owned real estate being occupied. The appraisal recommends that an Adjustment Factor be applied. Patios closer to the lake are the most valuable. As the patios move further from the waterfront they become less valuable and therefore should be charged less for their use. Future increases will be at the rate of inflation as determined by the BC All Items Consumer Price Index or a five (5) year rent review at the discretion of the City.

Monthly and annual permit fees will be paid through the City's Pre-Authorized Debit program. The City may, at their discretion, revoke permits where accounts are outstanding in excess of 30 days.

- a) **Seasonal Patios (small patios)** will be invoiced on July 1st of each year for a period of 5 months. All seasonal patios must be prepaid before a permit is issued. Seasonal Patios used one month prior to May 1st or one month after September 30th will be at the Permit Holder's discretion and will not be charged. Patio use beyond these times will be assessed at the Annual Patio rates. There are no refunds for patios used less than the 5-month season.
- b) **Annual Patios** - any patio whose perimeter structure remains in place year round, or any patio that provides tables and chairs for use year round, will be invoiced semi-annually on January 1st and July 1st and payable in advance.
- c) **Pro-rated Patios** will begin invoicing on the date a permit is granted. The permit fee for patios that commence operation after the first day of a calendar month will be pro-rated based on the total days remaining in the first month of operation.

d) Fees

Fees 2019 – 2023 (excluding 2020)	
New Applications	\$300
Change in Scope – Active Permits	\$180
Security Deposit	\$500
Temporary Use Permits/Sandwich Boards	N/C
Lawrence/Leon 1st year fees = 50% reduction	

Fee Schedules by Area:

- [1. Downtown – Appendix A](#)

2. [Bernard Avenue – Appendix B](#)
3. [Pandosy Village Center – Appendix C](#)
4. [Rutland Town Center – Appendix D](#)

Fees 2020

New Applications	\$100
Change in Scope – Active Permits	\$100
Security Deposit	\$500
Temporary Use Permits/Sandwich Boards	N/C
<i>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</i>	

Fee Schedules by Area:

1. [Downtown – Appendix A](#)
2. [Bernard Avenue – Appendix B](#)
3. [Pandosy Village Center – Appendix C](#)
4. [Rutland Town Center – Appendix D](#)

New Applications	\$100
Change in Scope – Active Permits	\$100
Security Deposit	\$500
Temporary Use Permits/Sandwich Boards	N/C
<i>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</i>	
Lawrence/Leon 1st year fees = 50% reduction	

~~Fee Schedules by Area:~~

- ~~1. [Downtown – Appendix A](#)~~
- ~~2. [Bernard Avenue – Appendix B](#)~~
- ~~3. [Pandosy Village Center – Appendix C](#)~~
- ~~4. [Rutland Town Center – Appendix D](#)~~

e) Discount

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit
- Patios that are constructed for more than \$5,000 receive a 100% credit

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Note that if there is a discrepancy between the above fees and those fees in *Traffic Bylaw 8120*, the fees in the Bylaw will prevail. The City may, at their discretion, revoke permits on accounts which are outstanding in excess of 30 days.

New patio application permit fees will be payable upon application. Once approved the permit fee will be invoiced and must be paid within 30 days of the invoice date.

7. Permit Period

The permit period will depend on the type of permit issued:

i) **The Temporary Bernard Roadway Permit will be effective from July 1 up to September 7th, 2020. There is no option to renew this permit after the expiry date.**

ii) **Seasonal Permits** will be effective from May to September.

iii) **Annual Permits** for the use of roadway and parking stalls will be effective from January to December.

Permit Holders are required to remove all furniture, goods and improvements from the Permit Area during the period it is not being actively used.

9. Obligation to Maintain Permit Area

Permit Holders are required to keep all surfaces associated with the Permit Area free of debris and snow and must provide secure footing in all weather conditions. Note that Permit Holders are still required to keep the Frontage and Pedestrian Zone in front of their business free and clear of snow and ice regardless of their use of the Frontage Zone for patio purposes as per *Traffic Bylaw No. 8120*, Part 2, Section 2.5.1.

Patios must be power-washed regularly, and the Permit Holder may be asked to power wash their patios at more frequent intervals if the area becomes unsightly, at the discretion of the City.

Smoking and cooking are not permitted in the Permit Area.

10. Hold Harmless/Indemnification

a) The Permit Holder will be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the City, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.

b) The Permit Holder will defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

11. Risk

Each proposed seating area will be reviewed by staff to assess the risk. Where a proposed seating area is deemed to have an elevated risk, the City may require modifications to the design of the proposed

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structure. The cost of any modifications would be the responsibility of the Applicant or the Applicant may choose to revise and resubmit their application.

Additionally, a permit application could be denied where it is deemed that it is not possible through any cost-effective means to mitigate the risk and to otherwise bring it within a range of acceptance. In addition, the City reserves the right to deny a permit for any reason.

12. Enforcement

Year-round enforcement with increased emphasis on enforcement during the summer months. It is expected that all guidelines will be followed without instruction, and that any corrective action be taken immediately upon request.

a) With the exception of a breach of the terms related to insurance coverage (see below), where a Permit Holder is in breach of the terms of the program, the Permit Holder will be notified in writing and given ten (10) business days from the date of postmark, or five (5) days from the date of hand delivery, to comply with the terms of the program.

b) If compliance is not forthcoming within this time, cancellation of the permit will be effective immediately, and the business will be notified in writing and given three (3) business days from the date of postmark, or one (1) day from the date of hand delivery, to remove tables and chairs and all associated structures.

c) If the facility is still in place at the end of the specified time period, the business's damage deposit will be forfeited and the City will remove chairs, tables, and all other items within the confines of the Permit Area belonging to the business, as well as remove any structures assembled in conjunction with the Permit Area. These items will be stored at the owner's expense and the City will follow its standard procedure for dealing with seized goods and the Permit Holder will be billed for any amount that the costs of seizure, teardown, removal and storage exceed the value of the damage deposit. Where the costs of seizure do not exceed the value of the damage deposit, there will be a refund of the balance.

d) The Permit Holder will be required annually to submit proof of insurance. Failure to submit the required documentation may result in cancellation of the permit and trigger the enforcement procedure outlined above.

e) Where an unpaid amount is outstanding with respect to the seizure and storage of seats, tables, or structure and the security deposit has been forfeited, the former Permit Holder shall be prohibited from applying for a new permit for a period of **one (1) year** and until the outstanding balance has been paid. Any assets seized will be sold and the proceeds will be used to offset outstanding balances.

13. Non-transferability of Permit

A permit must be taken out by a Permit Holder and must identify the business owner authorized to occupy the Permit Area. Only the business owner named in the permit is allowed to occupy the area described in the permit. The permit is not transferable.

14. Cancellation of Permit by City of Kelowna

At any time, the City Manager, Superintendent of the RCMP, Property Manager or designee without notice may order that the outdoor seating facility be vacated, and any structure(s) removed, until further notice if the health, safety, welfare or good order of the City is threatened.

Patio code violations will be responded with timed amelioration notices, and those not compliant will have their patios deactivated by Bylaw services and the real estate department. In such a case, failure to remove patio equipment will result in seizure and storage at the Permit Holder's expense, first using the security deposit and then billing additional costs to the owner.

15. Entertainment and Hours of Operation Within Outdoor Seating Areas.

a) A patio may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment comfort or convenience of individuals or the public. The City of Kelowna *Good Neighbor Bylaw No. 11500, Part 7* will apply at all times.

b) A patio may operate from 8:00 am until 11:00 pm, 7 days per week. All patrons must leave the Permit Area by 12:00 am. A patio will not be occupied past 12:00 am for any reason. Last call for alcoholic beverages shall be at 10:30 pm. All alcoholic beverages must be removed from the Permit Area by 11:00 pm.

16. Signage

Advertising and identification signage must be limited to the name of the business and/or a discrete menu board and must comply with the provisions of the City of Kelowna *Sign Bylaw No. 8235*. Table top umbrellas with the Permit Holder's business name printed thereon or name(s) of products sold at the premises are allowed. No advertising is permitted on the Perimeter Structure. Proposed signage should be submitted as part of the application package. All subsequent additions and changes in signage after issuance of a permit must be approved by the City.

17. Additional Considerations

a) Overhead electrical extensions or electrical extensions placed across the public sidewalk are not allowed.

b) Permit Holders shall not carry out, or allow any activity within the Permit Area which would constitute an annoyance or nuisance to others or obstruct or interfere with the free and unrestricted use of areas adjacent to the Permit Area.

c) Permit Holders are advised they are not entitled to exclusive use of the space designated in the permit.

d) All aspects of any proposed facility must meet the provisions of the *Traffic Bylaw No. 8120*, and any other applicable bylaws. Where there is a discrepancy between the Terms of Reference and any applicable Bylaws, the provisions set out in the Bylaws will apply.

18. Cancellation of Permit by City of Kelowna

Should the City require the use of the Permit Area for any reason, the City may cancel the permit. The City shall give the Permit Holder at least 24 hours written notice of such cancellation, except in the case of an emergency, when the City may order that the outdoor seating facility be vacated, and if deemed necessary by the City, any structure(s) removed, until further notice.

19. Sidewalk Café Extension Program Guidelines

A permit may be issued for a sidewalk patio to occupy a portion of roadway to a maximum depth of two and a half (2.5) meters from the face of the curb in areas on on-street parallel parking or to a maximum depth of four (4) meters from the face of the curb in areas on-street angle parking.

Use is limited to businesses engaged in food and beverage service.

In all cases the occupancy of the Permit Area must conform to the sight lines established in Section 2.2, and Part 7 of the City of Kelowna *Traffic Bylaw 8120*.

a) Decommissioning of Parking Stalls

A permit may be issued to occupy a minimum of one (1) and a maximum of two (2) parallel parking stalls or a minimum of two (2) and a maximum of three (3) angle parking stalls.

The maximum number of stalls that may be occupied by all permit holders in a block, that contains 10 or more parallel parking stalls, or 20 or more angle parking stalls, on both sides of the street from intersection to intersection, is 20% of the total number of parking stalls, excluding handicapped parking stalls and loading zone stalls.

Where an application would result in more than 20% of parking spaces on a block being taken out of use, eg: where existing outdoor seating areas have used up the available parking spaces, staff will review the parking demand for the block in question. A permit will be allowed where the addition of another seating area is not deemed to significantly impact the availability of short-term parking and/or where the anticipated benefit of an additional seating area is deemed to outweigh any loss of on-street parking.

Where a permit is denied, the Applicant has the option of making an appeal to the Parking Services Manager.

b) Requirements for Sidewalk Café Extensions

In addition to the application requirements outlined in Section 4 of the Sidewalk Patio Program Guidelines, the following requirements must also be included with the submission of application documents:

- i. Elevations of the Permit Area including any ramps, fences, planter dimensions and overhead structures;
- ii. A section through any proposed ramps;
- iii. Details showing a minimum 4" drainage system at the curb; and
- iv. Applicants shall, without limiting their obligations or liabilities under this permit, procure and maintain, at their own expense and cost, insurance in the amount of \$2,000,000.00 not including the automobile liability insurance requirement under Section 2 of the City of Kelowna *Traffic Bylaw 8120*.

Applicants are cautioned that applications will not be considered complete without the required information under parts i, ii, and iii, above.

20. Reduced Fee for New Facilities on Lawrence and Leon Avenues

The permit fee will be reduced by 50% for all seating areas located on Lawrence and Leon Avenues. The reduced fee will apply only in the first year of operation.

21. Permits for Outdoor Seating Areas in Lanes

Permits for outdoor seating areas within lanes may be allowed if in evaluation by staff, use of the lane for such purposes does not restrict access by pedestrians or restrict or compromise access by delivery or emergency services vehicles. In the event that a lane is closed to vehicles, a minimum two-meter wide access route must be maintained for pedestrians.

22. Design and Construction Guidelines for Sidewalk Café Extensions

In addition to the requirements for a standard sidewalk patio, the following requirements are intended to assure the safety of patrons and the public, encourage accessibility for all individuals, and provide a facility that enhances the visual qualities of the streetscape:

- a) The Permit Area can be comprised of more than one level with the top of deck not more than 0.3 meters above the top of the adjoining sidewalk. The Permit Area must provide a non-slip, all-weather surface; use of carpeting is prohibited. Where wood planking is used, the Applicant is cautioned to ensure that cupping and flexing of wood members under the weight of pedestrian traffic does not create a tripping hazard. Planking must conform, at minimum, to the provisions of the B.C. Building Code;
- b) A fence must separate the Permit Area from the roadway and adjacent parking stalls, and must be a minimum of 2 meters wide, be free-standing and not anchored to the sidewalk or roadway;
- c) The fence must be 42" high, compliment the interior fence separating the Permit Area from the Pedestrian Area; and
- d) Concrete planters shall be placed in a manner that protects patrons from vehicular traffic on the road right-of-way, including vehicles entering and exiting adjacent parking or loading stalls.

Schedule A

Sidewalk Patio Program
Fee Schedule

Application Fees: 2019-2023 (excluding 2020):

<u>New Applications</u>	<u>\$300</u>	
<u>Change in Scope</u>	<u>\$180</u>	
<u>Security Deposit</u>	<u>\$500</u>	
<u>Temporary Use Permits / Sandwich Boards</u>		<u>N/C</u>
<u>Temporary Bernard Roadway Patios</u>		
<u>Lawrence/Leon 1st year fees = 50% reduction</u>		

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Application Fees: 2020

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<u>New Applications</u>	<u>\$100</u>	
<u>Change in Scope</u>	<u>\$100</u>	
<u>Security Deposit</u>	<u>\$500</u>	
<u>Temporary Use Permits / Sandwich Boards</u>		<u>N/C</u>
<u>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</u>		
	<u>2019-2023</u>	<u>2020</u>

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Application Fees:

<u>New Applications</u>	<u>\$1300</u>
<u>Change in Scope</u>	<u>\$1080</u>
<u>Security Deposit</u>	<u>\$500</u>
<u>Temporary Use Permits / Sandwich Boards</u>	<u>N/C</u>
<u>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</u>	
<u>Lawrence/Leon 1st year fees = 50% reduction</u>	

Downtown – Appendix A

- Excludes Bernard Avenue
- Abbott to Water
- Water to Ellis
- Ellis to St. Paul
- St. Paul to Richter

Bernard Avenue – Appendix B

- 200-300 Block
- 400 Block
- 500-550 Block

- 560-600 Block

Pandosy Village – Appendix C

- Cadder Avenue to Lakeshore Road
- Okanagan Lake to Richter Street

Rutland Town Centre – Appendix D

- Hw. 97 N to Prior Rd. North & South
- McIntosh Road to Jerome Road

Schedule B

**Sidewalk Patio Program
Permit Application**

Applicant's Name: _____

Name of Business: _____

Address: _____

Phone: _____

Email: _____

I/we have read the Terms of Reference for the Sidewalk Patio Program and if granted a permit, agree to abide by the terms and conditions set out therein.

Applicant's Signature: _____

Date: _____

Personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, c. 165 and is necessary for the administration and operation of this program. Questions about the collection of this information to be directed to:

Manager, Property Management, City Hall, 1435 Water Street Kelowna BC V1Y 1J4 (250) 862-8610.

Patio Type:

- Small Patio / Limited Retail
- Large Patio Retail / No Liquor
- Large Patio / Food and Liquor

For Office Use:

Annual Fee \$ _____

Payment(s) Made In: January July

Dimensions: ____ ft X ____ ft = _____ sf

Application Fee

Security Deposit

Landlord Consultation

Neighbor(s) Consultation

Business Association (if appl)

Certificate of Insurance

Drawings - Patio Plan

Furnishings Plan

PAD Completed

Schedule B



Property Management
 1125 Water Street
 Kelowna, BC V1Y 1J4
 250 861 8610
 kelowna.ca

Sidewalk Patio Program
 Application

APPLICATION FORM

Business Operating Name:	
Legal Business Name:	
Applicant's Name:	
Nature of Business (restaurant, café, clothing store, etc.):	
Business Address:	
Billing Address:	
Phone Number:	Email:
Is the business currently participating in the Sidewalk Patio Program?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Will the patio be licenced?	YES <input type="checkbox"/> NO <input type="checkbox"/>
What is the timing of the desired patio?	
Is the patio temporary for the summer 2020 or is this request for a permanent patio?	Temporary <input type="checkbox"/> Permanent <input type="checkbox"/>
Will you only be requesting the use of the frontage in front of your business?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If no, have you consulted with your neighbour to use some frontage in front of their business? Please explain:	

I/we have read the Terms of Reference for the Sidewalk Patio Program and if granted a permit, agree to abide by the terms and conditions set out herein.

Applicants Signature:	Date:

Personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, c. 165 and is necessary for the administration and operation of this program. Questions about the collection of this information to be directed to:
 Manager, Property Management, City Hall, 1125 Water Street Kelowna BC V1Y 1J4 (250) 861-8610.

Schedule C

Sidewalk Patio Program
Adjacent Business Owner Consultation and
Building and/or Business Owner Approval to Use Vacant Patio Space

Adjacent Building and/or Business Owner Consultation:

Name: _____

Business Name: _____

Own Operate

Address: _____

Telephone: _____

Email: _____

I/We understand that _____ is proposing to use the public sidewalk adjacent to My/Our Business and/or Building for a patio as part of the City of Kelowna's Patio Program. I/We have seen the proposed plans that are attached and understand that the seating will utilize the sidewalk identified in the application on a seasonal or annual basis.

I/We do not object object

Date: _____ Signature: _____

Comments: _____

Adjacent Business Owner Permission to Use Vacant Patio:

Building/Business Owner: _____

Address: _____

Telephone: _____

Email: _____

I/We understand that _____ is requesting to use My/Our vacant patio as part of the City of Kelowna's Patio Program. I/We have seen the proposed plans that are attached and understand that the seating will utilize the sidewalk identified in the application on a seasonal or annual basis. I/We acknowledge that I/we may rescind this permission at any time to the City of Kelowna with immediate effect.

Date: _____ Signature: _____

Comments: _____

Schedule D



CERTIFICATE OF INSURANCE

City staff to complete prior to circulation

City Dept.: _____
 Dept. Contact: _____
 Project/Contract/Event: _____

Insured

Name:	_____
Address:	_____

Broker

Name:	_____
Address:	_____

Location and nature of operation and/or contract reference to which this Certificate applies:

--

Type of Insurance	Company & Policy Number	Policy Dates		Limits of Liability/Amounts
		Effective	Expiry	
Section 1 Comprehensive General Liability including: • Products/Completed Operations; • Blanket Contractual; • Contractor's Protective; • Personal Injury; • Contingent Employer's Liability; • Broad Form Property Damage; • Non-Owned Automobile; • Cross Liability Clause.				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive \$ _____ Aggregate \$ _____ Deductible
Section 2 Automobile Liability				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive

- It is understood and agreed that the policy/policies noted above shall contain amendments to reflect the following:
1. Any Deductible or Reimbursement Clause contained in the policy shall not apply to the City of Kelowna and shall be the sole responsibility of the Insured named above.
 2. The City of Kelowna is named as an Additional Insured.
 3. 30 days prior written notice of material change and/or cancellation will be given to the City of Kelowna.

Print Name	Title	Company (Insurer or Broker)
Signature of Authorized Signatory	Date	

Schedule D-1

Sidewalk Patio Program Insurance Requirements

1. **Permit Holder To Provide**

The Permit Holder shall procure and maintain, at its own expense and cost, the insurance policies listed in section 2, with limits no less than those shown in the respective items. The insurance policy or policies shall be maintained continuously from commencement of the Permit or such longer period as may be specified by the City.

2. **Insurance**

As a minimum, the Permit Holder shall, without limiting its obligations or liabilities under any other contract with the City, procure and maintain, at its own expense and cost, the following insurance policies:

- 2.1. Worker's Compensation Insurance covering all employees of Permit Holder engaged in the Work or Services in accordance with the statutory requirements of the province or territory having jurisdiction over such employees.
- 2.2. Comprehensive General Liability Insurance
 - 2.2.1. Providing for an inclusive limit of not less than \$2,000,000 for each occurrence or accident;
 - 2.2.2. Providing for all sums which the Permit Holder shall become legally obligated to pay for damages because of bodily injury (including death at any time resulting therefrom) sustained by any person or persons or because of damage to or destruction of property caused by an occurrence with the Permit;
 - 2.2.3. Including coverage for Products/Completed Operations, Blanket Contractual, Permit Holder's Protective, Personal Injury, Contingent Employer's Liability, Broad Form Property Damage, and Non-Owned Automobile Liability;
 - 2.2.4. Providing for Completed Operations Liability to continue for a period of 24 months after total completion of any work or operations or any part of any work or operations related in any way to the Permit or the Outdoor Seating area and activities or operations related in any way to the area;
 - 2.2.5. Including a Cross Liability clause providing that the inclusion of more than one Insured shall in no way affect the rights of any other Insured hereunder, in respect to any claim, demand, suit or judgement made against any other Insured;
 - 2.2.6. The deductible related to property damage and/or bodily injury shall not exceed \$5,000.
- 2.3. Automobile Liability Insurance covering all motor vehicles, owned, operated and used or to be used by the Permit Holder directly or indirectly in the performance of the use of the Permit. The Limit of Liability shall not be less than the \$2,000,000 inclusive, for loss or damage including personal injuries and death resulting from any one occurrence.

3. **The City Named As Additional Insured**

The policies required by sections 2.2 above shall provide that the City is named as an Additional Insured thereunder and that said policies are primary without any right of contribution from any insurance otherwise maintained by the City.

4. **Permit Holder's Agents or Contractors**

The Permit Holder shall require each of its agents or contractors that perform work or operations in connection with the Permit to provide comparable insurance to that set forth under section 2. Without limiting the liabilities of the Permit Holder or their agents or contractors, entertainers and performers may be excluded from this requirement.

5. **Certificates of Insurance**

The Permit Holder agrees to submit Certificates of Insurance, in the form of Schedule D attached hereto and made a part hereof, to the Risk Management Department of the city prior to commencing operations in relation to the Permit. Such Certificates shall provide that 30 day's written notice shall be given to the Risk Management Department of the City, prior to any material changes or cancellations of any such policy or policies.

6. **Other Insurance**

After reviewing the Permit Holder's Certificates of Insurance, the City may require other insurance or alterations to any applicable insurance policies in force during the period of this Permit and will give notifications of such requirements. Where other insurances or alterations to any insurance policies in force are required by the City and result in increased insurance premium, such increased premium shall be at the Permit Holder's expense.

7. **Additional Insurance**

The Permit Holder may take out such additional insurance, as it may consider necessary and desirable. All such additional insurance shall be at no expense to the City.

8. **Insurance Companies**

All insurance, which the Permit Holder is required to obtain with respect to this contract, shall be with insurance companies registered in and licensed to underwrite such insurance in the province of British Columbia.

9. **Failure to Provide**

If the Permit Holder fails to do all or anything which is required of it with regard to insurance, the City may do all that is necessary to effect and maintain such insurance, and any monies expended by the City shall be repayable by and recovered from the Permit Holder. The Permit Holder expressly authorizes the City to deduct from any monies owing the Permit Holder, and any monies owing by the Permit Holder to the City.

10. **Nonpayment of Losses**

The failure or refusal to pay losses by any insurance company providing insurance on behalf of the Permit Holder or any agent of the Permit Holder shall not be held to waive or release the Permit Holder from any of the provisions of the Insurance Requirements of the Permit, with respect to the liability of the Permit Holder otherwise. Any insurance deductible maintained by the Permit Holder or any agent of the Permit Holder under any of the insurance policies is solely for their account and any such amount incurred by the City will be recovered from the Permit Holder as stated in section.

Appendix A

Downtown Area Patio Fees (excluding Bernard Avenue)

The following square footage fees have been reduce by 50% for 2020

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Abbott to Water	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$535.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.20/sf
*Large Patio - Food and Liquor (per square foot)	\$8.40/sf

Water to Ellis	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$382.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.00/sf
*Large Patio - Food and Liquor (per square foot)	\$6.00/sf

Ellis to St. Paul	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$325.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.55/sf
*Large Patio - Food and Liquor (per square foot)	\$5.10/sf

St. Paul to Richter	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$249
*Large Patio / Food only or Large Scope Retail (per square foot)	\$1.95/sf
*Large Patio - Food and Liquor (per square foot)	\$3.90/sf

* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Appendix B
Bernard Avenue Patio Fees

The following square footage fees have been reduce by 50% for 2020

200 Block	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$714
*Large Patio / Food only or Large Scope Retail (per square foot)	\$5.60/sf
*Large Patio - Food and Liquor (per square foot)	\$11.20/sf

300 – 400 Block	2019 – 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$510
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf

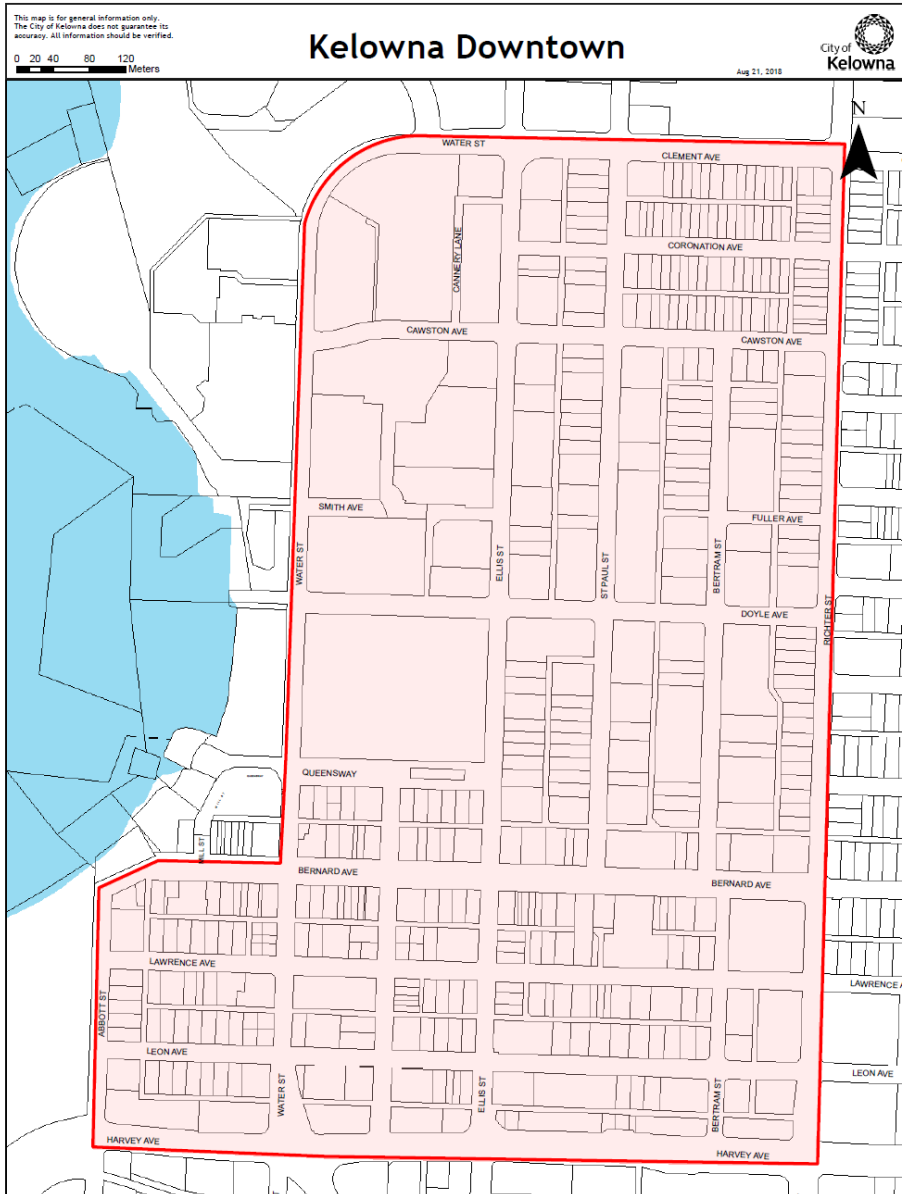
500 Block	2019 – 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$434
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.40/sf
*Large Patio - Food and Liquor (per square foot)	\$6.80/sf

560 Block	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$332
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.60/sf
*Large Patio - Food and Liquor (per square foot)	\$5.20/sf

* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

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Map of Downtown Patio Zone



Appendix C
Pandory Village Patio Fees

The following square footage fees have been reduce by 50% for 2020

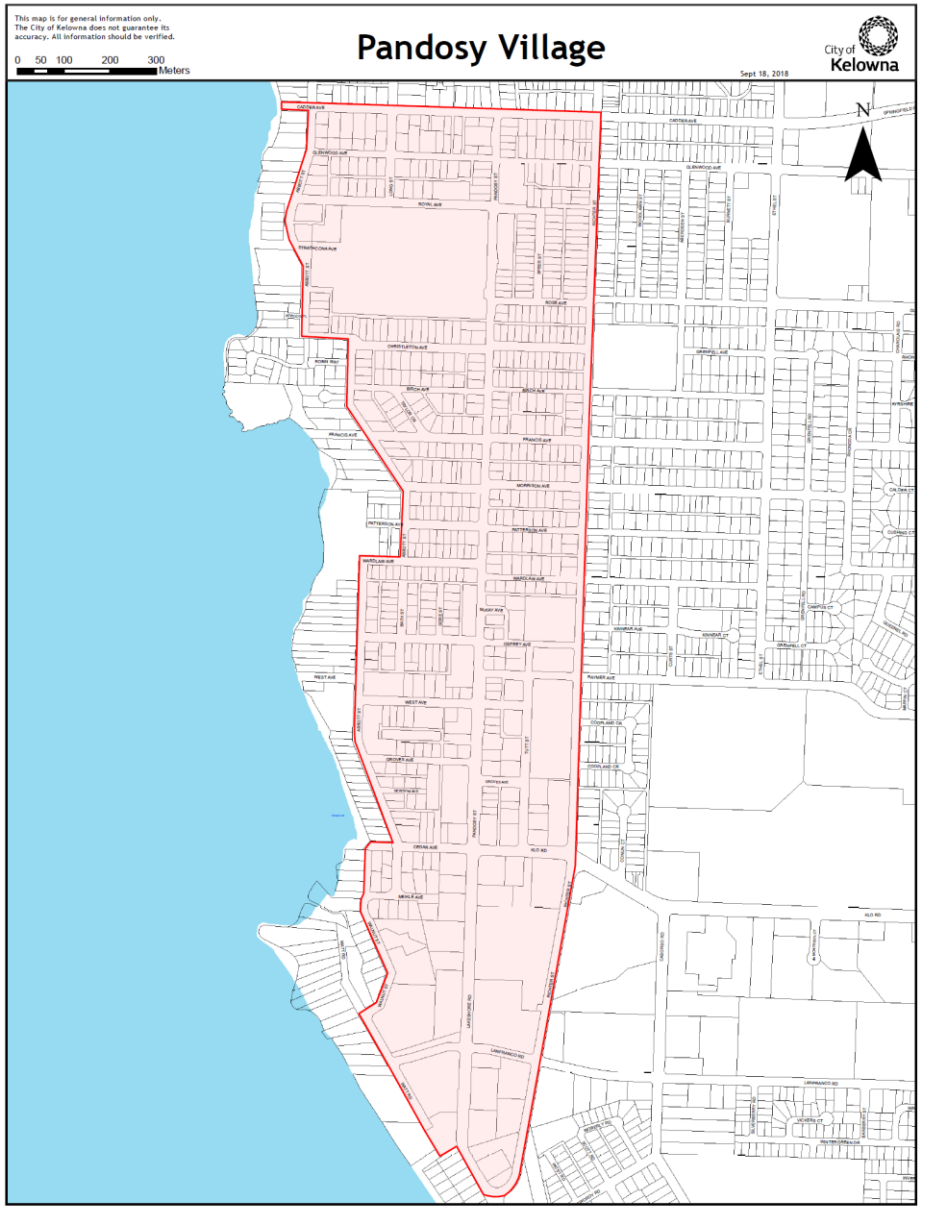
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All Areas	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$510
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf

* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Map of Pandosy Village Patio Zone



Appendix D
Rutland Town Center Patio Fees

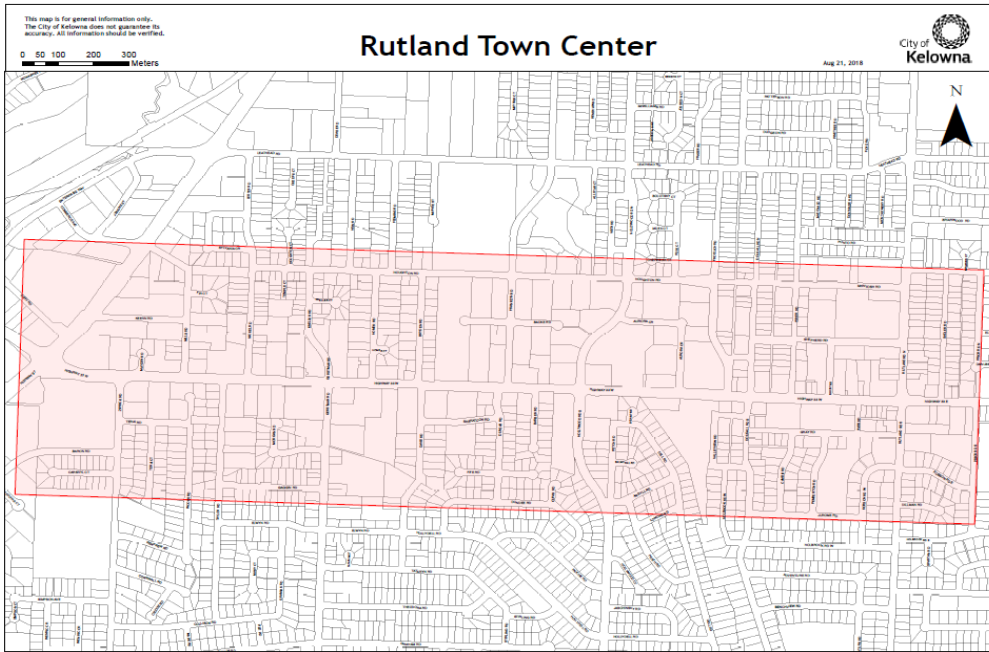
The following square footage fees have been reduce by 50% for 2020

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All Areas	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$255.00
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.00/sf
*Large Patio - Food and Liquor (per square foot)	\$4.00/sf

* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Map of Rutland Town Center Patio Zone





Sidewalk Patio Temporary Expansion - Update

June 1, 2020



Sidewalk Patio Program Expansion

► On May 25th, Council approved:

1. The creation of an expanded patio and pedestrian zone on Bernard Ave; and,
2. Create a Task Force to review requests for temporary use of municipal lands for patios throughout the city.



Guideline Updates

- ▶ Addition of a new definition and classification for the new “Temporary Bernard Roadway Patio”,
- ▶ Reducing the Application and Amendment fees to \$100.00 for 2020;
- ▶ Confirming use Modu-Loc VIP fencing for licensed seasonal patios for the summer of 2020 only;

Guideline Updates continued

- ▶ Addition of three new clauses regarding:
 - ▶ Drinkware
 - ▶ Liquor Service
 - ▶ Shoplifting Prevention
- ▶ A new application form; and
- ▶ Confirmation that the per square foot rate for the patio fees has been reduced by 50% for the 2020 season.

Bylaw 12045

- ▶ Amendment #38 to Traffic Bylaw 8120
 - ▶ Addition of a new definition for the Temporary Bernard Roadway Patio;
 - ▶ Addition of a subsection 7.1.5 B which describes the Temporary Bernard Rodway Patio; and;
 - ▶ Amendment to Schedule A to reflect the reduced fees;



"The city demonstrates leadership and flexibility in leading innovative solutions, capitalizing on opportunities and responding with agility to emerging issues."

CITY OF KELOWNA

BYLAW NO. 12045

Amendment No. 38 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **PART 1 – INTRODUCTIONS, 1.4 Definitions, 1.4.1 Definitions** be amended by adding a new definition for **Temporary Bernard Roadway Patio** in its appropriate location as follows:

“Temporary Bernard Roadway Patio a temporary patio area located on Bernard Avenue that may be used from July 1, 2020 up to and including September 7, 2020.”

2. AND THAT **PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS, 7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue** be amended by:

- a) deleting the title that reads **“7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue”** and replacing it with **“7.1 Sidewalk/Roadway Occupancy Permits”**; and

- b) adding a new sub-section 7.1.5 B Temporary Bernard Roadway Patio in its appropriate location that reads:

“7.1.5 B Temporary Bernard Roadway Patio. The permit area is measured from the back of the curb separating the furnishing zone and the parking space, into the roadway up to 7.5m for a business on the south side of Bernard Avenue or 2.6m for a business on the north side of Bernard Avenue provided a 6m emergency Right-of-Way is maintained.”

3. AND THAT **SCHEDULE “A” FEES, PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS** be amended by adding prior to sub-paragraph a) downtown Area Patio Fees (excluding Bernard Avenue) the following:

“Downtown Area, Bernard Avenue, Pandosy Village and Rutland Town Center Consolidated Sidewalk Program Application Fees for 2020:

New Applications	\$100
Change in Scope – Active Permits	\$100
Security Deposit	\$500
Temporary Use Patio Permits/Sandwich Boards	N/C
<i>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</i>	

The following fees under sub-sections a), b), c) and d) will be reduced by 50% per square footage for 2020"

4. This bylaw may be cited for all purposes as "Bylaw No. 12045, being Amendment No. 38 to Traffic Bylaw No. 8120."
5. This bylaw shall come into full force and effect and be binding on all persons as of as of the date of adoption.

Read a first, second and third time and adopted by the Municipal Council this

Mayor

City Clerk

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Sister Cities Policy No. 355 Update
Department: Active Living and Culture

Recommendation:

THAT Council receives, for information, the report from the Active Living and Culture Services Department, dated June 1, 2020, regarding the Sister Cities Policy;

AND THAT Council Policy No. 355, being the Sister Cities Policy, be revised as outlined in the Report from the Cultural Services Manager, dated June 1, 2020.

Purpose:

To approve updates to Council Policy No. 355, being the Sister Cities Policy.

Background:

In 2010, the City adopted Council Policy No. 355 knowing that engaging in Sister City relationships fosters a range of cultural, educational, recreational and economic benefits and opportunities for our community. The Policy set a framework for the establishment, maintenance and termination of such relationships.

Over the years, the City has had a Sister City relationship with Veendam, Netherlands and Kasugai, Japan and a few other cities proposed for consideration. While the Veendam relationship ended in 2015, the relationship with Kasugai remains strong. At this time, there are no requests from other municipalities for new Sister City relationships to be formed.

Annually, \$10,000 is allocated to the Sister City program in the Cultural Services administration budget. Sponsor Organizations are eligible to receive annual matching funding to support their activities. Any remaining funds are then transferred to the Sister City Reserve Fund to support sister city relationship activities and visiting delegations.

Discussion:

As part of the review of existing Council policies, staff have completed a review of the Sister Cities Policy No. 355. This Policy, if approved by Council, will change primarily in formatting and the content included in the policy and less so in how we conduct our daily business.

Much of the information in the existing policy is operational in nature and provides a guide for how staff will administer the Sister Cities program. Therefore, the contents of the existing Policy have been separated into two documents: a revised version of Council Policy No. 355 including Council's role and other strategic details and the Sister City Program Guidelines containing administrative details for staff to manage the day-to-day relationship.

Excluding administrative changes to the Policy, there is an adaptation to expand how the annual budget can be used to support the Sister City relationship, outside of the annual matching funding that is distributed to the Sponsor Organization. This policy revision allows for staff to provide additional support to promoting the Sister City relationship, visiting or hosting delegations and supporting related special projects as they arise.

In addition, the policy includes the annual transfer to the reserve fund (Sister City Visits Reserve - R023) any remaining funding not spent in the fiscal year. This has been a practice since 2009, following a motion by Council on July 13, 2009 (R738/09/07/13), however was never formalized in policy.

Information transferred to the program guidelines from the existing policy includes:

- the core principles of a Sister City relationship;
- details about the proposal process;
- details about the establishment process;
- details about the renewal process;
- information about financial support and annual reporting; and
- a sample of a Sponsor Agreement.

The information transferred to the program guidelines remained the same, with the exception of:

- the initial term of the Sponsor Agreement has been updated from 3 years to 5 years, while the renewal term has remained the same at 3 years. Lengthening the initial term allows the Sponsor Organizations more time to establish themselves in their respective communities, before considering the renewal period.
- providing additional details about how organizations access funding support and the annual reporting requirements. This change will make the reporting process easier and clearer for Sponsor Organizations.

Conclusion:

This Policy, if approved by Council, will change primarily in formatting and information included and minimally in how we do business. These revisions are in alignment with the City's recent policy updates and the original intention of the Sister City program.

Internal Circulation:
Communications
Office of the City Clerk

Considerations applicable to this report:

Existing Policy:
Sister Cities Policy No. 355

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Communications Comments
External Agency/Public Comments
Financial/Budgetary Considerations

Submitted by: C. McWillis, Cultural Services Manager

Approved for inclusion:

JG

cc:
J. Gabriel, Director of Active Living and Culture
L. Bentley, Deputy City Clerk



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Sister Cities

APPROVED October 4, 2010

Contact Department: Cultural Services

Policy Statement

The City of Kelowna will consider the establishment of Sister City relationships with other municipalities that have potential benefits to the City of Kelowna and the broader community through cultural, educational, recreational and economic activities and opportunities.

Purpose

The purpose of this policy is to establish guidelines within which Sister City relationships with other municipalities may be established and maintained. A Sister City relationship is intentionally created by two or more city governments through a formal agreement.

Background

Sister City relationships between communities can foster a range of cultural, educational, recreational and economic benefits and opportunities. Council may, through application of the criteria and procedures in this policy, receive, review and decline or approve proposals for the establishment of new Sister City relationships. The policy also provides for management of the relationships once established, through liaison, reporting and Sponsorship Agreements with local organizations primarily responsible for Sister City activities. The policy recognizes current Sister City relationships with Kasugai (Japan) and Veendam (The Netherlands), provides for continuing support of their activities, and specifies how the new policy will apply to them.

Definitions

Sponsor organization: A local organization that will manage the Sister City relationship. The organization must be based in the City of Kelowna and either designated as a non-profit society or have a fiscal agency that meets the same criteria.

Sister City: A city that has entered into a formal relationship with the City of Kelowna through a Sister City Agreement.

Sister City Committee: A Committee of the sponsor organization organized to manage the Sister City relationship.

Sister City Agreement: A memorandum of understanding between Kelowna and another city outlining the terms of the Sister City relationship.

Sponsor Agreement: A memorandum of understanding between the City of Kelowna and a sponsor organization outlining the requirements for managing the Sister City relationships.

Procedure

The "Sister City" model is based on community to community relationships. These relationships will be built on the following principles:

Similarity – there are identifiable similarities or mutual interest between the City of Kelowna and the proposed Sister City.

Exchange – there is potential for cultural, educational, recreational and/or economic exchange.

Reciprocity – As a Sister City there are reciprocal benefits and opportunities for both parties to develop relationships through cultural, educational, recreational and economic activities.

Community driven – there is active leadership, involvement and support by the community, through an existing organization or business, to both establish and maintain the relationship.

Strategic Benefit – the short-term and long-term benefits of the relationship outweigh the public costs of entering into or maintaining the relationship.

Exclusivity & Proximity – the City of Kelowna does not have a Sister City relationship with any other municipality in the same country or within close proximity of a proposed Sister City location

Stability – the country in which the Sister City is situated has a stable political climate as determined by the Department of Foreign Affairs and International Trade (DFAIT). <http://travel.gc.ca/news-warnings/warnings>

a. Criteria

1. Sister City relationships may only be established by resolution of Council of the City of Kelowna. Council has the discretion to accept or reject proposals and its decision will be final.
2. City Council may also consider the number of existing Sister City relationships already in place and may determine at any time that no further Sister City relationships will be established.
3. The following criteria will be applied in reviewing a proposal to establish a Sister City relationship:
 - The proposed relationship reflects the principles of similarity, exchange, reciprocity, strategic benefit, exclusivity and stability expressed in this policy
 - There is active leadership, involvement and support by the community in the proposed Sister City
 - There is a lead sponsoring organization in each City which has the capacity to fulfill the responsibilities within the Sister City relationship including:
 - Provision of regular committee meeting minutes and annual work plans, budgets and reports to municipal officials.
 - Representation at official and community events and celebrations.
 - Facilitation of exchange visits between the two cities at least once every 5 years.
 - Provision of volunteer and financial resources to support the relationship.
 - Establishment of an active working Committee which is inclusive and reflective of its host community and has provided for ongoing recruitment.

b. The Proposal Process

4. Prior to initial consideration by Council the Sponsor Organization must submit to the Cultural Services Branch of the City of Kelowna a detailed written proposal including the following information:
 - Name of Municipality and Country of the proposed Sister City;
 - Demographic profile of the proposed Sister City;
 - Description of the short and long term benefits to both cities including identifiable similarities and mutual interest;
 - Summary of the Sponsor Organization's activities to date;
 - A three-year work plan projected from the date of City Council preliminary approval, including arrangements for formalizing the relationship;
 - Budget for the work plan with identified funding sources including a detailed fundraising plan to ensure that the Sponsor Organization is financially self-sufficient;
 - Description of the proposed Sister City's expectations for the relationship with Kelowna;
 - Letters of commitment from members of the Sponsor Organization supporting the intent to become active members of the Sister City Committee;
 - List of at least 10 Kelowna residents interested in becoming members of the Sponsor Organization indicating their intention to participate in the sister city relationship. The list will include address, phone number and e-mail address for each person;

- If the request is coming from outside Kelowna to Mayor and Council then a letter of invitation is required from the Mayor of the proposed sister city and the Sponsor Organization; and
 - Letters of collaboration from businesses, educational institutions or other parties.
5. Upon receipt of a proposal, City staff will review the proposal against the principles and criteria in this policy and provide recommendations to City Council.

c. **Establishment Process**

6. If the Sister City relationship has been recommended by Cultural Services staff and given approval to proceed by City Council, the following actions will be taken:
- a) The proponent will be notified in writing;
 - b) A formal letter of interest will be forwarded from the Mayor of Kelowna to the Mayor of the proposed Sister City;
 - c) A Sister City Agreement is developed with the Sister City for an initial term of three (3) years with provision for renewal; and
 - d) A Sponsor Agreement is developed with the Sponsor Organization in Kelowna for an initial term of three (3) years with provision for renewal (sample attached). Based on the proposal, staff recommendations and Council direction, the Sponsor Agreement may or may not provide for financial support from the City for the Sponsor Organization's sister city activities.
7. The final agreements will be presented to Council to formally establish the Sister City relationship and a formal signing ceremony is arranged by City staff.
8. All Sister City relationships, including new relationships approved pursuant to this Policy, and relationships in existence at the time this Policy is approved, may benefit from ongoing base budget allocated specifically for expenses associated with:
- a) Kelowna hosting visiting delegations from Sister Cities; and
 - b) Purchase of gifts to be given by City of Kelowna Council members when visiting Sister City hosts.
- This budget is not to be used for travel expenses. Expenditures from this budget must be approved by Council.
9. At least 6 months prior to the expiry of the initial three (3) year term, an assessment will be undertaken by Cultural Services staff and representatives from the Sponsor Organization to determine whether the goals and objectives of the relationship have been met. If the assessment is favourable and all parties wish to continue the relationship, the Sponsor Organization will provide a formal request for renewal, specifying its preferred renewal period, supported by a workplan for the renewal period.
10. If the assessment is unfavourable or if Council deems it necessary for any reason, the Sister City relationship may be ended at the expiry of the initial three (3) year term upon direction from City Council. In this event, all privileges and obligations associated with the Sponsor Agreement and the Sister City Agreement will be at an end.

d. **Application of this Policy to existing Sister City relationships**

11. The Kelowna Kasugai Sister City Association (KKSCA) and the Kelowna Veendam Sister City Association (KVSCA) may continue to submit an annual letter of request to the City for allocated ongoing base budget provided that:
- a) The request is received no later than December 1 of the year preceding the budget year;
 - b) The request is supported by financial statements and any other documentation requested by the City, demonstrating that the Association has raised sufficient funds to match or exceed the amount of funding requested from the City; and
 - c) If the request for base budget exceeds \$2,500, Council approval is required and will be based on the proposed use of the funds, demonstrated matching of the funds through other sources, and financial need.
12. For 2015 and all subsequent budget years, any Sister City Association wishing to obtain funding from the City of Kelowna exceeding the allocated ongoing base budget will be required to submit an application for funding through a City of Kelowna grant program. In order to be eligible for application-based grants, the applicant must meet the criteria in the program guidelines, which may include a requirement to forego base budget funding in the year of the application.
13. Sections 6(d), 8 and 9 of this Policy will apply to the KKSCA and the KVSCA effective upon adoption of this Policy, and both Associations will be required to enter into a Sponsor Agreement.

Amendments

R550/14/07/28 – Amended base budget for hosting and gifting at Council's discretion
R944/10/10/04

THIS AGREEMENT IS USED PURSUANT TO
SISTER CITY POLICY 355



This agreement dated (insert)

Sponsor Agreement

between

City of Kelowna (The City)

1435 Water Street, Kelowna, BC V1Y 1J4

Attention: Cultural Services Manager

and

(sponsor organization) (The Sponsor)

(address)

Attention: (name)

Whereas:

The Sponsor has submitted a proposal to the City for the establishment of a Sister City relationship with (city) pursuant to Council Policy 355 (Sister City Policy); and

The City has, by Council resolution xxx on (date) approved the establishment of a Sister City relationship with (city) (the Sister City);

This agreement sets out the roles and responsibilities of the City and the Sponsor in fulfilling the objectives of the Sister City Policy and the Sister City relationship with (city).

1. The term of this agreement will be three (3) years commencing (date) and ending (date).
2. This Agreement may be renewed for an additional period of up to five (5) years, pursuant to the Sister City Policy.
3. This Agreement can be amended at any time by written agreement of the City and the Sponsor.
4. The Sponsor, as the lead organization responsible for the Sister City relationship, will fulfill the role of ambassador of international goodwill for the benefit of the City by:
 - a) creating cultural, educational, recreational and economic programs and activities which develop and promote interest in the Sister City and benefit the City of Kelowna;
 - b) assisting City officials when meeting with their counterparts from the Sister City and organizing local cross-cultural events;
 - c) providing representation at official and community events and celebrations;
 - d) facilitating and fundraising for exchange visits between the City and the Sister City at least once every three (3) years;
 - e) providing volunteer and financial resources to support and fund the Sister City relationship;
 - f) responding to requests for information regarding the Sister City and the activities within the Sister City relationship; and
 - g) establishing an active working Committee which is inclusive and reflective of the City of Kelowna and which has provided for ongoing recruitment.
5. The Sponsor will, in administering the Sister City relationship:
 - a) provide documentation to the City verifying that the Sponsor is a registered British Columbia Society in good financial standing and that it has the authority, by resolution of its directors, to enter into this agreement;
 - b) demonstrate proof of insurance, satisfactory to the City;

- c) abide by all applicable by-laws, statutes, ordinances, and regulations of any governmental agency having jurisdiction over the activities of the Sponsor;
- d) not assign or transfer any interest in this agreement or the Sister City relationship without the prior written consent of the City;
- e) indemnify and hold harmless the City and its personnel from all actions, proceedings, losses, expenses, and costs arising out of, or in any way connected with the Sponsor's activities, any breach or default by the Sponsor under this agreement, or any wrongful act, omission, or negligence of the Sponsor;
- f) seek approval from the City prior to issuing any communication with the public, including any media organization, with regard to the Sister City relationship;
- g) acknowledge the financial assistance of the City of Kelowna on all communications and promotional materials relating to the Sister City relationship, such as programmes, brochures, posters, advertisements, websites, news releases and signs; and
- h) provide regular reports and requested information to the City of Kelowna in a prescribed format including Committee meeting minutes and annual work plans, budgets and reports to City of Kelowna Council and Cultural Services staff.

6. The City will:

- a) receive an annual report from the Sponsor as Public in Attendance at a regular council meeting;
- b) in discussion with the Sponsor, complete an annual review of the Sponsor's annual work plans, budgets, reports and information to identify particular achievements and possible areas for improvement in the fulfillment of the Sponsor Agreement; and
- c) provide annual matching funding to the Sponsor in accordance with Council Policy 355 (attached); and
- d) in accordance with Council Policy 355, the City may consider an annual grant application from the Sponsor such application(s) to be adjudicated in accordance with the program guidelines. Grants are awarded on an annual basis, based on the merits of the application and the program criteria. Applicants must re-apply each year. Continued funding is not guaranteed. Depending on the nature of the application and the program guidelines, application-based grant funding may be in addition to, or an alternative to, the annual matching funding specified above in section 6(c).

7. If the Sponsor violates or fails to comply with any provisions of this agreement, the City may provide fair notice to the Sponsor of default. If the default is not rectified to the City's satisfaction within the time specified in the City's notice, city staff will recommend to City Council that this agreement be terminated.

8. In the event that this agreement expires at the end of the term and is not renewed, or is terminated by the City prior to the end of the term, the City may:

- a) Seek a new Sponsor to support the Sister City relationship; or
- b) Terminate the Sister City Relationship with (city).

We agree to the terms and conditions outlined in this Agreement.

On behalf of the Sponsor Organization

Print Name:

Date

On behalf of the City of Kelowna

Print Name:

Date

Sister City Program Guidelines

These guidelines were established in May 2020.



Objectives

Sister City relationships between communities can foster a range of cultural, educational, recreational and economic benefits and opportunities. Council may, through application of the Sister Cities Policy 355 and these guidelines establish and renew Sister City relationships. These guidelines provide direction for the management and administration of Sister City relationships through liaison, reporting and agreements with both the Sister City and Sponsor Organization.

Core Principles

The Sister City model is based on community to community relationships. These relationships will be built on the following principles:

- *Similarity*: there are identifiable similarities or mutual interest between the City of Kelowna and the Sister City.
- *Reciprocity*: as a Sister City there are reciprocal benefits and opportunities for both parties to develop relationships through cultural, educational, recreational and economic activities.
- *Community Driven*: there is active leadership, involvement and support by the community, through an existing organization or business, to both establish and maintain the relationship.
- *Strategic Benefit*: the short-term and long-term benefits of the relationship outweigh the public cost of entering into or maintaining the relationship.
- *Exclusivity & Proximity*: the City of Kelowna will not have a Sister City relationship with any other municipality in the same country or within close proximity of another Sister City location.
- *Stability*: the country in which the Sister City is situated has a stable political climate.

Criteria

The following criteria will be applied in reviewing a proposal to establish or renew a Sister City relationship:

- The proposed relationship reflects the core principles;
- There is active leadership, involvement and support by the local community and in the proposed Sister City;
- There is a lead sponsoring organization in each City which has the capacity to fulfill the responsibilities within the Sister City relationship including:
 - provision of regular committee meetings and annual work plans, budgets and reports.
 - representation at official and community events and celebrations.
 - facilitation of exchange visits between the two cities at least once every 5 years.
 - provision of volunteer and financial resources to support the relationship.
 - establishment of an active working committee which is inclusive and reflective of its host community and has provided for ongoing recruitment.

- Council may consider the number of existing Sister City relationships already in place at the time of a proposal and may determine that no further Sister City relationships will be established.

Proposal Process

Sister City relationships may only be established in accordance with the Sister Cities Policy 355.

The Sponsor Organization must submit to the Cultural Services Branch of the City of Kelowna a detailed, written proposal including the following information:

- the name of the municipality and country of the proposed Sister City;
- demographic profile of the proposed Sister City;
- description of the short and long-term benefits to both cities including identifiable similarities and mutual interest;
- summary of the Sponsor Organization's activities to date;
- a projected five-year work plan including arrangements for formalizing the relationship;
- budget for the work plan with identified funding sources including a detailed fundraising plan to ensure that the Sponsor Organization is financially viable;
- description of the proposed Sister City's expectations for the relationship with Kelowna;
- list of at least 10 Kelowna residents interested in becoming members of the Sponsor Organization and indicating their intention to participate in the Sister City Committee. This list will include address, phone number, and email addresses for each person;
- if the request is coming from outside Kelowna to Mayor and Council, then a letter of invitation is required from the Mayor of the proposed Sister City and the Sponsor Organization; and
- letters of collaboration from businesses, educational institutions or other parties (where possible).

Establishment Process

If the Sister City relationship is given approval to proceed by City Council, the following actions will be taken:

- The Sponsor Organization will be notified in writing;
- A formal letter of interest will be forwarded from the Mayor of Kelowna to the Mayor of the proposed Sister City;
- A Sister City Agreement is executed with the Sister City for an initial term of five (5) years with the provision for renewals;
- A Sponsor Agreement is developed with the Sponsor Organization in Kelowna for an initial term of five (5) years with provision for renewals (see template in Appendix A). Based on the proposal, staff recommendations and Council direction, the Sponsor Agreement may provide for financial support from the City for Sister City activities; and
- The final agreements will be presented to Council in order to formally establish the Sister City relationship and a formal signing ceremony will be arranged in partnership with City staff.

Renewal Process

Upon the expiry of an initial 5-year term, the Sister City Agreement and the Sponsor Agreement may be renewed by City staff in accordance with the Sister Cities Policy 355.

The City reserves the right to cancel any Sister City agreement in accordance with the Sister Cities Policy 355.

Financial Support

The City may provide support from its annual operating budget and/or the Sister City Reserve Fund (R023) for:

- promotion of the Sister City relationship(s) to the community lead by either the City or the Sponsor Organization;
- annual matching funding to the Sponsor Organization to a maximum of \$2,500;
- meeting the City's obligations for hosting and gifting delegations; or
- special projects that advance the intent of the program.

Use of the Sister City Reserve Fund (R023) shall be in accordance with the Financial Plan Amendment Policy No 262. This funding shall not be used for travel expenses.

To receive annual funding support, the Sponsor Organization must submit an annual report by December 15 of each year to the Cultural Services Branch including the following information:

- a list of current board of directors and the most recently filed BC Ministry of Finance Form 4 (Annual Society Report);
- a list of activities conducted in the prior year including attendance;
- a description of the years successes and challenges;
- annual financial statements for the completed year and budget for the following year;
- priorities for the upcoming year or updates to the most recent workplan;
- a copy of any marketing materials demonstrating the use of the City of Kelowna logo;
- 3 high quality, clear images (in digital format) from programs and services along with signed release waiver(s) including both photographer and participant(s) waivers; and
- additional information that may be requested by the City of Kelowna from time to time.

Upon receipt of a satisfactory annual report, funding will be distributed in January of each year.

Any Sponsor Organization wishing to obtain funding from the City of Kelowna exceeding the allocated matching amount will be required to submit an application for funding through a City of Kelowna grant program. In order to be eligible for application-based grants, the applicant must meet the criteria in the program guidelines, which may include a requirement to forego base budget funding in the year of the application.

Appendix A: Sister City Sponsor Agreement Template



THIS AGREEMENT IS USED
PURSUANT TO SISTER CITY
POLICY No. 355

This agreement dated **XXX**

Sponsor Agreement

Between

City of Kelowna (the City); 1435 Water Street, Kelowna, BC V1Y 1J4

Attention: Cultural Services Manager

and

Sponsor Organization (the Sponsor) **Address**

Attention: **Title**

Whereas:

- The Sponsor has submitted a proposal to the City for the establishment of a Sister City relationship with **(City Name)** pursuant to Sister City Policy 355;
- The City has, by Council resolution **XXX** on **DATE**, approved the establishment of a Sister City relationship with **(City name)** (the Sister City).

This agreement sets out the roles and responsibilities of the City and the Sponsor in fulfilling the objectives of the Sister City Policy and the Sister City relationship with **(City name)**.

1. The term of this agreement will be five (5) years commencing **(date)** and ending **(date)**.
2. This agreement may be renewed for additional periods of up to three (3) years pursuant to the Sister City Program Guidelines.
3. This agreement can be ammended at any time by written agreement of the City and the Sponsor.
4. The Sponsor, as the lead organization responsible for the Sister City relationship, will fulfill the role of ambassador of international goodwill for the benefit of the community by:

- a. Creating cultural, educational, recreational and economic programs and activities which develop and promote interest in the Sister City and benefit the City of Kelowna;
 - b. Assisting City officials when meeting with their counterparts from the Sister City and organizing local cross-cultural events;
 - c. Providing representation at official and community events and celebrations;
 - d. Facilitating and fundraising for exchange visits between the City and the Sister City at least once every three (3) years;
 - e. Providing volunteer and financial resources to support and fund the Sister City relationship;
 - f. Responding to requests for information regarding the Sister City and the activities within the Sister City relationship; and
 - g. Establishing an active working committee which is inclusive and reflective of the City of Kelowna and which has provided for ongoing recruitments.
5. The Sponsor will, in administering the Sister City relationship:
- a. Provide documentation to the City verifying that the Sponsor is a registered British Columbia Society in good financial standing and that it has the authority, by resolution of its directors, to enter into this agreement;
 - b. Demonstrate proof of insurance, satisfactory to the City;
 - c. Abide by all applicable bylaws, statutes, ordinances, and regulations of any governmental agency having jurisdiction over the activities of the Sponsor;
 - d. Not assign or transfer any interest in this agreement or the Sister City relationship without the prior written consent of the City;
 - e. Indemnify and hold harmless the City and its personnel from all actions, proceedings, losses, expenses and costs arising out of, or in any way connected with the Sponsor's activities, any breach or default by the Sponsor under this agreement, or any wrongful act, omission or negligence of the Sponsor;
 - f. Seek approval from the City prior to issuing any communication with the public, including any media organization, with regard to the Sister City relationship;
 - g. Acknowledge the financial assistance of the City of Kelowna on all communications and promotional materials relating to the Sister City relationship, such as programmes, brochures, posters, advertisements, websites, news releases and signs; and
 - h. Provide regular reports and requested information to the City of Kelowna in a prescribed format laid out in the Sister City Program Guidelines to the City of Kelowna Cultural Services staff.
6. The City will:
- a. Receive an annual report from the Sponsor;
 - b. In discussion with the Sponsor, complete an annual review of the Sponsor's annual report to identify particular achievements and possible areas for improvement in the fulfillment of the Sponsor Agreement;
 - c. Provide annual matching funding to the Sponsor in accordance with Sister Cities Policy 355 up to \$2,500; and

- d. In accordance with Sister Cities Policy 355, the City may consider an annual grant application from the Sponsor, to be adjudicated in accordance with the respective program guidelines. Depending on the nature of the application and the program guidelines, application based grant funding may be in addition to, or an alternative to, the annual matching funding specified in the above section 6(c).
- 7. If the Sponsor violates or fails to comply with any provisions of this agreement, the City may provide fair notice to the Sponsor of default. If the default is not rectified to the City's satisfaction within the time specified in the City's notice, City staff will recommend to City Council that this agreement be terminated.
- 8. In the event that this agreement expires at the end of the term and is not renewed, or is terminated by the City prior to the end of the term, the City may:
 - a. Seek a new Sponsor to support the Sister City relationship; or
 - b. Terminate the Sister City Relationship with (city).

We agree to the terms and conditions outlined in this Agreement.

On behalf of the Sponsor Organization:

Signature

Date

Print Name

On behalf of the City of Kelowna:

Signature

Date

Print Name



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Sister Cities Policy

APPROVED October 4, 2010

Contact Department: Active Living and Culture

Guiding Principle

The City of Kelowna recognizes that Sister City relationships with other municipalities have potential benefits to the City and the broader community through cultural, educational, recreational and economic activities and opportunities.

Purpose

To establish a framework within which Sister City relationships may be established, maintained or terminated.

Definitions

Sponsor Organization: a local organization that will manage the Sister City relationship. The organization must be based in the City of Kelowna and either designated as a non-profit society or have fiscal agency that meets the same criteria.

Sister City: a city that has entered into a formal relationship with the City of Kelowna through a Sister City Agreement.

Sister City Agreement: a memorandum of understanding between the City of Kelowna and another city outlining the terms of the Sister City relationship.

Sponsor Agreement: a memorandum of understanding between the City of Kelowna and a Sponsor Organization outlining the requirements for managing the Sister City relationships.

Policy Statement

1. Sister City relationships may only be established by resolution of Council of the City of Kelowna.
2. The Sponsor Organization must submit a detailed, written proposal to the Cultural Services Branch for initial consideration. Upon receipt of a proposal, staff will review the proposal and provide a recommendation to City Council for approval to proceed. The following criteria will be applied in reviewing a proposal:
 - a. The proposed relationship reflects the core principles of similarity, reciprocity, community-driven, strategic benefit, exclusivity and proximity, and stability;
 - b. There is active leadership, involvement and support by the local community in the proposed Sister City; and
 - c. There is a lead sponsoring organization in each City which has the capacity to fulfill the responsibilities within the Sister City relationship as outlined in the Sister City Program Guidelines.
3. Council may consider the number of existing Sister City relationships already in place at the time of the proposal and may determine that no further Sister City relationships will be established.
4. To formalize the Sister City relationship, the Sister City Agreement and Sponsor Agreement will be presented to Council for final approval and a formal signing ceremony will be arranged.
5. Upon the expiry of an initial 5-year term, the Sister City Agreement and the Sponsor Agreement may be renewed by City staff for ongoing periods of upto 3 years provided:
 - a. the relationship continues to meet the core principles of program;
 - b. if all parties wish to continue with the relationship;

- c. the Sponsor Organization provides a formal request for renewal specifying its preferred renewal period; and
 - d. a new workplan is submitted for the renewal period.
6. The City may provide financial support for the promotion of the Sister City relationship, to the Sponsor Organization and/or for visiting delegations in accordance with the Sister City Program Guidelines. In the event the City's annual operating budget in support of this program is not fully utilized, the unused funds will be contributed to the Sister City Reserve Fund to support future activities (R023).
7. If any component of the Sister City relationship is no longer meeting the criteria or at the sole discretion of the City, the Sister City Agreement, may be ended with approval from City Council. In this event, all privileges and obligations associated with the Sponsor Agreement and the Sister City Agreement will be at an end.

Amendments

R@ [to be completed after approval] – Removed information that is now found in the Sister City Program Guidelines

R550/14/07/28 – Amended base budget for hosting and gifting at Council's discretion R944/10/10/04



Sister City Policy No. 355 Update

June 1, 2020



Background

- ▶ Adopted in 2010
- ▶ Set a framework for the establishment, maintenance and termination of Sister City relationships
- ▶ Cultural, educational, recreational and economic benefits and opportunities for our community



Notable Revisions

- ▶ Operational information moved to Program Guidelines
- ▶ Adapted use of allocated annual budget
- ▶ Formalization of funds transferred to reserve fund



Conclusion

- ▶ If approved, this Policy will remain in alignment with the City's recent policy updates and the original intention of the Sister City program





Questions?

For more information, visit kelowna.ca/culture.

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Cultural Policy No. 274 Update
Department: Active Living & Culture

Recommendation:

THAT Council receives, for information, the report from the Active Living & Cultural Services Department, dated June 1, 2020, regarding the Cultural Policy;

AND THAT Council Policy No. 274, being the Cultural Policy, be revised as outlined in the Report from Cultural Services Manager, dated June 1, 2020.

Purpose:

To seek approval to revise Council Policy No. 274, being the Cultural Policy.

Background:

The Cultural Policy No. 274 was adopted in 1990 with recognition that culture is important to the well-being of the community, the quality of life for residents and the economic vibrancy of the city. The Policy provides direction for the City in the development, management and administration of cultural services.

The Cultural Policy covers a wide range of City services and demonstrates the requirement for a cross-departmental approach to cultural development. The successful fulfillment of cultural objectives is a team effort which will, in turn, support the fulfillment of City-wide objectives.

Discussion:

With the City's recent update of Council policies, staff have completed a review of the Cultural Policy No. 274. The proposed revisions to this Policy include formatting, removal of outdated or operational information and the inclusion of new information to accurately represent existing commitments.

The administrative or operational items that exist in the current policy have been removed. This information is intended to be available in a variety of documents such as administrative procedures,

Cultural Plan or program guidelines and is not required in the Council policy. Some entities and initiatives referred to in the existing policy have concluded or no longer exist in their previous form, and therefore no longer need representation. New information has been included to represent the City's already existing commitments to the development, management and administration of cultural services.

Notable revisions are described below and have been categorized by their respective section in the policy.

Cultural and Heritage Planning

- This section includes our commitment to the importance of collaborating and engaging with the syilx/Okanagan people when conducting cultural and heritage planning efforts. It further illustrates our desire to work collectively with Indigenous partners to enhance the representation of Indigenous art and artists within the community.
- The statements regarding other community plans has been removed.

Land Use

- The following statements have been removed from this section:
 - Agriculture and the design guidelines. Their importance and relationship to the City are identified in the Official Community Plan.
 - Appointment of a Community Heritage Commission. This Commission is no longer active.
 - Heritage Tree Inventories. The inventory is outdated and the program is being reimagined.

Cultural Facilities

- Removal of information about KCT being owned and operated by the City. Statement is accurate but not required in this policy.

Funding Support

- This section has been condensed with a focus on the commitment to providing support to arts, culture and heritage organizations and redirecting focus on the details of that support being found in the recently approved Community Grant Policy No. 380.
- There is a new inclusion on the commitment to Sister Cities program and reference to the Sister Cities Policy No. 355 for additional details.
- A new commitment has been included to identify the support of the City of Kelowna in further developing the capacity and sustainability of the non-profit sector.

The updates to the Funding Support section do not request additional budget allocation, but rather demonstrate the City's already existing commitments to supporting cultural development.

Public Art

- Reflects the existing increase of the minimum contribution to the Public Art Reserve Fund from \$100,000 to \$130,000. This increase in contribution has already occurred, the policy revision reflects the current amount.

Conclusion:

This Policy, if approved by Council, will include changes in formatting, the removal of outdated or operational information and the accurate representation of existing commitments to cultural development. The revisions proposed are in alignment with the 2020-2025 Cultural Plan and continues to be the foundation for our commitment to cultural development in Kelowna.

Internal Circulation:

Administration and Business Services Manager
Director, Business and Entrepreneurial Development
Urban Planning & Development Policy Manager
Parks & Buildings Planning Manager
Partnership Manager
Deputy Chief Clerk
Long Range Policy Planning Acting Manager
Kelowna Community Theatre Manager
Legislative Coordinator Confidential
Communications Advisor

Considerations applicable to this report:

Existing Policy:
Cultural Policy No. 274

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Financial/Budgetary Considerations
External Agency/Public Comments
Communications Comments

Submitted by:
C. McWillis, Cultural Services Manager

Approved for inclusion:

JG

cc:
J. Gabriel, Director of Active Living and Culture



City of Kelowna
 1435 Water Street
 Kelowna, BC V1Y 1J4
 250 469-8500
 kelowna.ca

Council Policy

Cultural Policy

APPROVED October 29, 1990

RESOLUTION: R190/10/03/01

REPLACING: R651/00/07/24; R341/1999/04/26; Policy No. 208; S1581-S1601/1990/10/29

DATE OF LAST REVIEW: March 2010

A. PURPOSE

The City of Kelowna recognizes that Culture (interpreted to include arts and heritage) is important to the well-being of the community, the quality of life for all residents, and the economic vibrancy of the city. The purpose of this Council Policy is to set out the parameters for the implementation of cultural policy as permissible through Provincial legislation. This policy will guide decision-making throughout all City departments (as detailed below) so as to best support the development and enhancement of Arts, Heritage and Culture in the City of Kelowna. This Policy reflects current City initiatives to promote and support culture in Kelowna and guide future initiatives.

B. PLANNING

The majority of planning policies related to Culture are created by, or in conjunction with the Policy and Planning Department and Cultural Services Branch.

Cultural Plan

The City will develop and regularly update a Cultural Plan to guide civic cultural initiatives.

The process for the Cultural Plan will include:

- Information gathering from, and consultations with, local stakeholders and the community-at-large. This may take the form of surveys, workshops and/or Open Houses;
- Review of best practices and comparable plans from other jurisdictions;
- Preparation and submission of a document which will establish an overall vision, goals, specific strategies and an implementation plan.

The Cultural Plan will require on-going implementation, monitoring and review.

Heritage Plan

The 2007 Heritage Strategy will guide heritage initiatives for the City. The Heritage Strategy will require on-going implementation, monitoring and review.

Official Community Plan and other Major Plans

The content of this Policy and the Cultural Plan will be reflected in, and incorporated into the City's Official Community Plan as appropriate and will similarly be reflected and incorporated in other plans including:

- Capital Plans
- Servicing Plans
- Neighbourhood Structure Plans
- Area Structure Plans
- Sector Plans
- Strategic Plans
- Downtown and Urban Centre Plans

C. LAND USE

The majority of land use recommendations are provided through the Land Use Department in co-ordination with the Policy and Planning Department.

Affordable Artists Live/Work Space

Affordable live/work spaces and studios for artists are central to the ability of Kelowna to attract and retain cultural workers. The City will consider the opportunities to support the development of live/work spaces and studios for artists.

Agriculture

The City recognizes the importance of agricultural production as integral to the identity, heritage and culture of Kelowna. Agriculture and agri-tourism have been and continue to be an important part of the economic development of the region. To this end, the City will work to provide appropriate and supportive policies, zoning, amenities and other forms of support which foster and benefit local food production, including but not limited to community gardens, farmers' markets, and public education. Partnership with the Central Okanagan Economic Development Commission (RDCO) is central to this work.

Cultural Amenities

Cultural amenities, such as theatres and other public facilities, are central to the development of a vibrant community. The City will explore opportunities for including cultural facilities when reviewing and/or submitting land use applications within Urban Centres.

Cultural District

The City recognizes the importance of a vibrant and economically sustainable Cultural District, alive with mixed use developments and a thriving and dynamic creative economy in the City. To this end, the City will work to ensure appropriate and supportive zoning, amenities, development and design.

Cultural Mapping

The City supports the design and maintenance of mapping information systems regarding cultural planning as made available through Information Services' Mapping Systems. The information for the Mapping Systems will be maintained by the relevant departments, including Cultural Services and Policy and Planning.

Design Guidelines

The City supports the creation and implementation of design guidelines to maintain and enhance community character. Design guidelines can guide property owners undertaking new construction and/or renovations. Design guidelines are detailed in the Official Community Plan.

Neighbourhood Development

The City recognizes the importance of neighbourhoods in the development of a vibrant culture and identity for Kelowna. To this end, the City will explore how cultural infrastructure and activity can be extended to residents at the neighbourhood level throughout Kelowna.

Public Space

Public spaces offer unique opportunities for conveying cultural identity. The City will incorporate a high level of aesthetic treatment including public art, as well as opportunities for programmed and spontaneous cultural events and activities in the design of public spaces

Community Heritage Commission

The Community Heritage Commission is a Council-appointed committee that acts as an advisory body to Council on issues related to heritage, including but not limited to issues related to property development. The scope of heritage issues and membership of the Commission is determined by the Commission's Terms of Reference.

Heritage Conservation Areas

The City recognizes the importance of the Abbott Street and Marshall Street Conservations Areas as heritage neighbourhoods in our community.

Heritage Procedures Bylaw

The City recognizes the importance of conserving heritage buildings, structures and landscapes. To this end, the City will implement Heritage Procedures as detailed in Bylaw No.7776.

Heritage Trees

The City supports the recognition and preservation of Heritage Trees as identified in the Heritage Tree Inventories for the Downtown and Rutland.

D. CULTURAL & ECONOMIC DEVELOPMENT

The Cultural Services Branch supports culture and economic development in conjunction with the Community Sustainability Division.

Cultural Industries

Cultural industries (including cultural workers, organizations, businesses, facilities and educational institutions) are central to developing prosperity in Kelowna. The City recognizes the importance of these industries by providing appropriate and supportive policies, zoning, amenities and other forms of support which foster the creation of artists' studios and live/work spaces, presentation and performance venues, as well as retail and other commercial land uses that complement art, culture and heritage.

Cultural Marketing

Marketing is integral to the on-going success of cultural activity and industries in Kelowna. The City will continue to support and/or develop, as appropriate, cultural awareness, and marketing and promotion initiatives through the Cultural Services Branch.

Cultural Tourism

Cultural tourism is the fastest growing segment of the tourism industry. The City recognizes the importance of fostering a dynamic environment for cultural tourism, and to this end will continue to support and/or develop, partnerships, programs, events, and facilities which will increase cultural tourism visitation and revenue. Working in partnership with Tourism Kelowna and the Central Okanagan Economic Development Commission (COEDC) will be integral to this work.

Economic Prosperity Strategy

Where feasible and appropriate, the content of this Policy and the Cultural Plan will be reflected in, and incorporated into the City's Economic Prosperity Strategy.

E. CULTURAL FACILITIES

Cultural facilities are managed by the Cultural Services Branch in conjunction with the Real Estate and Building Services Department.

Cultural Facilities

The following Cultural Facilities are owned by the City and operated by non-profit organizations on behalf of the City pursuant to Lease & Operating Agreements, or other arrangements:

- Guisachan Heritage Site which includes: the site grounds, Guisachan House, the Milk Shed, and other accessory buildings
- Kelowna Art Gallery
- Museums (all operated by the Kelowna Museums Society): The Okanagan Heritage Museum and Kelowna Archives; the British Columbia Wine Museum and The British Columbia Orchard Industry Museum (located in the Laurel Packinghouse), and The Okanagan Military Museum (located in Memorial Arena). The Okanagan Sports Hall of Fame Museum (an initiative of the Kelowna Museums Society in partnership with other community organizations) is in development but does not yet have a permanent facility location.
- Rotary Centre for the Arts

Kelowna Community Theatre

The Kelowna Community Theatre is owned and operated by the City, with staff and budget provided through the Cultural Services Branch.

Lease and Operating Agreements

Pursuant to Lease & Operating Agreements, the City provides ongoing maintenance and operational support for the Kelowna Art Gallery, Museum facilities and the Rotary Centre for the Arts. Most of this support, with the exception of capital items, is through the Cultural Services budget.

New and/or Additional Facilities

The City will explore acquiring and/or developing additional arts, heritage and cultural facilities in future as part of the City's Cultural Plan and the 2007 Heritage Strategy.

Heritage Asset Management Strategy

The City will create conservation plans and implementation strategies for City-owned heritage properties as based on the priorities established via the Heritage Asset Management Strategy.

D. FUNDING FOR COMMUNITY CULTURAL ORGANIZATIONS AND INITIATIVES

Cultural funding is administered through the Cultural Services Branch. The Policy and Planning Department administers the Heritage Grants Program.

General

In addition to the grant programs set out in this section, the City will explore future funding programs and opportunities as identified in the Cultural Plan and the 2007 Heritage Strategy.

Arts, Culture & Heritage Operating Grants

The City of Kelowna Cultural Services Branch funds annual operating grants for local Arts, Culture and Heritage organizations. These grants are evaluated and recommended for approval by Council in an arm's length process administered by an external organization.

Community Festival, Event & Project (CFEP) Grants

The City of Kelowna Cultural Services Branch funds annual project grants for community festivals, and other events and projects that have a focus on arts, culture and heritage. These grants are evaluated and recommended for approval by Council in an arm's length process administered by an external organization.

Professional Arts Grants

The City of Kelowna Cultural Services Branch funds and administers annual grants for professional arts organizations.

Professional Arts Grants include an annual grant to Festivals Kelowna in support of Parks Alive!, Arts Alive!, the Buskers Program and Canada Day/Folk Fest activities.

Heritage Grants

The City of Kelowna Policy & Planning Department supports an annual Heritage Grants program to promote the conservation of Heritage Register buildings by assisting owners with grants for a portion of the expenses incurred in conservation work relating to the heritage character of their buildings. The program is limited to the exterior, foundations and roof structures of such buildings. The Kelowna Heritage Grants Program is administered in an arm's length process by an external organization.

Heritage Building Tax Incentive

The City acknowledges that the conservation, structural maintenance and restoration of heritage buildings, particularly agricultural, commercial, industrial and institutional buildings, can be costly and cost prohibitive. To this end, the City has adopted "Council Policy 318 Heritage Building Tax Incentive Program Policy" which grants a permissive property tax exemption for a period of up to 10 years based on the costs of conservation work on eligible heritage properties. The permissive tax exemption program is administered through the Financial Services division of the City of Kelowna.

E. PUBLIC ART

Public Art commissions through the Public Art Committee are administered through the Infrastructure Planning Department.

Public Art Reserve Fund

The City has established a Public Art Reserve Fund and will contribute to the Fund a minimum of \$100,000 annually, up to a maximum equal to 1% of the City's annual capital budget from general taxation revenue.

The Public Art Reserve Fund is to be used to fund civic public art commissions, as well as to provide matching funds to encourage the provision of public art by the private sector within publicly accessible portions of developments.

Public Art Committee

Expenditures from the Public Art Reserve Fund are recommended by the Public Art Committee and approved by Council in accordance with the Committee's Terms of Reference. Staff liaison to the Public Art Committee is provided through the Infrastructure Planning Department.

Community Public Art Projects

The City of Kelowna Cultural Services Branch coordinates an annual application process for funding of Community Public Art projects. Funding for projects comes from the Public Art Reserve Fund. Applications are evaluated by the Public Art Committee which then makes recommendations for approval by Council.

Public Art and Infrastructure

To the extent feasible and appropriate, opportunities for Public Art should be identified and undertaken in conjunction with municipally-funded infrastructure projects.

Public Art Maintenance

Maintenance costs of the public art collection, including condition reports and maintenance assessments provided by professional conservation staff, will be funded through the infrastructure maintenance funds as for other capital assets owned by the City.

REASON FOR POLICY

A Mayor's Task Force was appointed in 1989 to formulate a cultural policy which would outline the City's role in enhancing arts and culture in Kelowna. Their recommendations were adopted by Council in October, 1990 and eventually incorporated in Council Policy No. 208.

The 1990 recommendations touched on a diverse array of action items, including the hiring of municipal cultural staff, the development of a multi-purpose arts facility, the inception of a public art program, operating and programming support for major cultural facilities, and the establishment of the Kelowna Arts Foundation. This policy was further updated in 2000 as Policy No. 274, with new provisions dealing with Festivals, Cultural Tourism and Public Art.

Since 2000 and the development of the Cultural District, there have been significant changes both in Kelowna's cultural landscape, and within the municipal corporation. Many of the organizations and initiatives referred to in the earlier version of Policy 274 have been completed or no longer exist in their previous form.

This policy update is submitted to reflect these changes and lay a foundation for a better integration and reflection of culture into the City's overall vision and operations. This policy includes a new Cultural Plan as a major cross-departmental initiative, in recognition that the successful fulfillment of cultural objectives is a team effort which will, in turn, support fulfillment of city-wide objectives.

LEGISLATIVE AUTHORITY

Section 176, Local Government Act

PROCEDURE FOR IMPLEMENTATION

As outlined in this policy.



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Cultural Policy

APPROVED October 29, 1990

Contact Department: Active Living and Culture

Guiding Principle

The City of Kelowna recognizes that culture is important to the well-being of the community, the quality of life for all residents and the economic vibrancy of the city. The City will engage in planning for and investment in cultural programs, services and facilities.

We acknowledge that our community is located on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

Purpose

To guide cultural development in the City of Kelowna through City led programs and initiatives, convening and connecting creative sector stakeholders and supporting artists and cultural organizations.

Application

To provide direction for the City in the development, management and administration of cultural services.

Definitions

Community art: temporary or permanent installations of any art form that are developed through community engagement.

Culture: a porous and flexible concept, which includes heritage, the arts, human diversity and many other attributes and practices.

Cultural District: a six-block region in Kelowna's downtown area that acts as a hub of Kelowna's artistic and cultural activity

Cultural facilities: City owned cultural venues, including galleries, theatres and museums.

Creative sector: all self-employed individuals, profit, non-profit and public enterprise including incorporated and unincorporated businesses that produce, create, distribute and/ or conserve cultural and artistic goods and services.

Creative sector stakeholders: a broadly inclusive term intended to represent cultural workers, artists, organizations, businesses, facilities and educational institutions who are involved in the creative sector.

Public Art: City commissioned temporary or permanent installations ranging from murals and banners to sculptures and artistic works integrated into local streetscapes, created by local, regional, national and international artists.

Policy Statement(s)

1.0 Cultural and Heritage Planning

- 1.1 The City will develop and regularly update a Cultural Plan and Heritage Strategy to set priorities and guide civic investments through:
- information gathering from, and consultations with, a variety of creative and heritage sector stakeholders and the community-at-large, in accordance with the Engage Policy No. 372;
 - honouring, respecting, collaborating and engaging with local Indigenous people;
 - a review of best practices and comparable documents from other jurisdictions;
 - a review of policies, regulations and procedures;
 - opportunities for new initiatives and partnerships;
 - preparation and submission of a document which will establish an overall vision, goals, specific strategies and an implementation plan; and

- ongoing implementation, monitoring and evaluation.

- 1.2 In partnership with local Indigenous governments, organizations and artists, the City is committed to working collectively to develop and implement a framework for including the voice of Indigenous artists and cultural leaders in the creative sector, thereby providing an opportunity to enhance the representation of Indigenous art and artists within the City.
- 1.3 The City is committed to developing and enhancing mutually beneficial partnerships that support the development of cultural programs, services and facilities.

2.0 Land Use

- 2.1 The City will:
- consider the opportunities to enable the development of affordable live/work spaces and studios for artists to attract and retain cultural workers;
 - explore opportunities for including cultural facilities and spaces when reviewing and/or submitting land use applications within Urban Centres;
 - work to ensure appropriate and supportive zoning and mixed-use developments, amenities, development and design to create a vibrant and economically sustainable Cultural District;
 - determine how cultural infrastructure and activity can be extended to residents at the neighbourhood level throughout Kelowna;
 - incorporate a high level of aesthetic treatment including public art, as well as opportunities for programmed and spontaneous cultural events and activities in the design of public spaces creating cultural identity;
 - create conservation plans and implementation strategies for City-owned heritage properties to maintain the importance of conserving heritage buildings, structures and landscapes; and
 - continue to support and recognize the established heritage conservation areas of Abbott Street and Marshall Street in order to preserve and share the history of the community.

3.0 Economic Development

- 3.1 Creative sector stakeholders are central to developing prosperity in Kelowna therefore, the City will provide appropriate and supportive policies, zoning, amenities and other forms of support which foster the creation of artists' production spaces, presentation and performance venues, as well as retail and other commercial land uses that complement culture.
- 3.2 Marketing is integral to the creative sector and the ongoing success of cultural activity in Kelowna therefore, the City, in partnership with the creative sector, will continue to support and/or develop, as appropriate, awareness of the creative sector, specifically in the Cultural District, through marketing and promotion initiatives.
- 3.3 The City will foster a dynamic environment for heritage and cultural tourism and continue to support and/or develop, partnerships, programs, events, and facilities which will increase tourism visitation and revenue. Working in partnership with stakeholders of the tourism sector will be integral to this work.
- 3.4 The City of Kelowna is committed to building the capacity and viability of the creative sector.

4.0 Cultural Facilities

- 4.1 The City may, through non-market leases, funding support, or other means, enter into arrangements with qualified third parties for the operation, maintenance and programming of City-owned cultural facilities.
- 4.2 Through innovative approaches and ongoing partnerships, the City will establish a future direction for the development or redevelopment of cultural facilities.

5.0 Funding Support

- 5.1 The City is dedicated to fostering a rich and vibrant creative sector in our community by supporting cultural events, projects and organizations that align with the Cultural Plan and Heritage Strategy. The City provides funding support in accordance with the Community Grant Policy 380.

- 5.2 In order to promote the conservation of heritage buildings, the City offers grants to owners of buildings listed on the Kelowna Heritage Register to cover a portion of the expenses incurred in conservation work relating to the heritage character of their buildings. Funding support is provided in accordance with the Community Grant Policy 380.
- 5.3 The City will engage in Sister City relationships in accordance with the Sister City Policy 355.
- 5.4 The City will preserve the conservation, structural maintenance and restoration of heritage buildings, particularly agricultural, commercial, industrial and institutional buildings with support in accordance with Heritage Building Tax Incentive Program Policy 318.
- 5.5 The City provides support to non-profit sport, event, social service and cultural organizations for the purpose of undertaking activities or initiatives that develop the organization's capacity and sustainability.

6.0 Public Art

- 6.1 The City has established a Public Art Reserve Fund and will contribute to the Fund a minimum of \$130,000 annually, up to a maximum equal to 1% of the City's annual capital budget from general taxation revenue. Any unspent portion of the annual allocation is moved to the Public Art Reserve fund at the end of each fiscal year.
- 6.2 The Public Art Reserve Fund is to be used to fund civic public art commissions, as well as to provide matching funds to encourage the provision of public art by the private sector within publicly accessible portions of developments.
- 6.3 Expenditures from the Public Art Reserve Fund are recommended by Staff and approved by Council. A committee of community members are available for staff to call on to evaluate opportunities.
- 6.4 To the extent of being feasible and appropriate, opportunities for Public Art should be identified and undertaken in conjunction with municipally funded infrastructure projects.
- 6.5 Community Art opportunities encourage the creation of publicly accessible artworks, fosters community pride, promotes identity and reflects the diversity of the community. Funding for community art projects is made available from the Public Art Reserve Fund. The City provides funding support in accordance with the Community Grant Policy 380.
- 6.6 Maintenance costs of the public art collection including condition reports and maintenance assessments provided by professional conservation staff, will be funded through the Infrastructure Maintenance Fund.

Amendments

Resolution:

[new reso number will be added by Clerk's after Council Meeting from minutes] - Policy updates are focused around formatting, the removal of outdated or operational information and the accurate representation of existing commitments to cultural development.

R651/00/07/24

R341/199/04/26

Policy No. 208

S1581-S1601/1990/10/29



Cultural Policy No. 274 Update

May 25, 2020



Background

- ▶ Adopted in 1990
- ▶ Provides direction for the City in the development, management and administration of cultural services
- ▶ Demonstrates a cross-departmental approach to cultural development

Notable Revisions

- ▶ Removal of outdated initiatives or programs
- ▶ Removal of operational information
- ▶ Formal inclusion of already existing commitments



Conclusion

- ▶ This Policy, if approved by Council, will include:
 - ▶ changes in formatting;
 - ▶ the removal of outdated or operational information; &
 - ▶ the accurate representation of existing commitments to cultural services.





Questions?

For more information, visit kelowna.ca/culture.

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Kelowna Community Theatre Operating Models Review
Department: Active Living & Culture - Cultural Services

Recommendation:

THAT Council receives for information the report from the Active Living & Culture Services Department, dated June 1, 2020, regarding the Kelowna Community Theatre Operating Model Review.

Purpose:

To provide Council with an overview of the results from the Value for Money audit report for the Kelowna Community Theatre Operating Model and to advise of next steps.

Background:

To demonstrate greater accountability for its use of public funds, the City performs reviews of ongoing projects and programs as a best practice in support of rigorous economic governance.

Value for Money (VFM) audits provide an objective, professional and systematic examination to ensure business elements such as, financial, human and physical resources, are managed with due regard to economy, efficiency and effectiveness. The process involves project/program selection, establishing the specific project scope, sourcing a qualified independent professional, preparation (by the independent professional) of draft and final reports, delivery of an executive summary to the City Manager and reporting annually at the year-end Audit Committee meeting.

The City of Kelowna owns and operates the Kelowna Community Theatre (KCT). The complex opened in 1962 and includes an 847-seat main stage theatre (plus 6 additional wheel-chair and companion seating), a 106-seat black box theatre and the support spaces required to service the two performance venues. The theatre is Kelowna’s only large “purpose built” theatre venue.

The facilities currently operate on a “rental theatre” basis. The venues are not programmed by the City and the City does not have control of the artistic product presented by the groups renting the venues.

In 2018/19, Financial Services Division commissioned RWDI Consulting to conduct a VFM audit review of the operating model for the KCT. The purpose of the review was to:

- assess the current operating model;
- identify and describe alternate operating models, providing advantages and disadvantages for each;
- develop more fully the preferred options; and
- make recommendations for modifications as required.

Discussion:

The key components of the operations considered in the review included:

- Booking Policies & Procedures
- Programming Review
- Staffing and Reporting Structure
- Front of House Services
- Box Office Services
- Booking and Attendance Activity
- Rental Rates
- Financial Viability
- City support to the Arts (solely as it relates to KCT Operations)
- Operating Model Review

Overall the review concludes that the current model is proven to be successful and only requires fine-tuning to become more efficient and generate additional revenue which can be used to further arts development.

The resulting report confirmed that KCT is operating similar to other Canadian theatres and in accordance with established procedures. The theatre shows a strong demand for arts consumption even though booking and attendance activity has varied over the past four years. The KCT's rental rates, on a per seat basis, are within the range of other theatres in Canada. Financially, the KCT is operating within the best practices of other Canadian theatres and is a rarity, in Canada, as a self-sustaining theatre operation.

The key recommendations included in the report:

- It was recommended the theatre have a Technical Director. It is best practice to have a Technical Director where their focus is solely on the efficiency of the technical operations of the facility.
- The contracting out of the Front of House services is an area where improvements and/or alterations could improve customer service and connection to the KCT's patrons and users.
- The current set-up for Box Office services is an area where changes could increase responsiveness to the needs of renters as well as better support the patrons. It is suggested that changes to this service can generate additional revenue to the theatre operations.
- For KCT to continue its strong presence in the community and to provide high-quality events, it should consider bringing in its own shows. That is, it must control some of the artistic content in

the theatre by booking events directly with touring shows and concerts. The report recommends an annual presentation series.

In consideration of the findings contained within the review, Cultural Services staff, in partnership with the appropriate City departments, has:

- been considering the inclusion of a Technical Director as part of KCT staffing. Delays in moving this forward have resulted due to the COVID-19 facility closure and will resume in the coming months;
- been reviewing the Fees and Charges Bylaw and Conditions of Use and Allocation Guidelines for Recreation and Cultural Facilities to maximize facility offerings and efficiency; and
- worked to fill available booking days and enhance programmed spaced at KCT.

For the remainder of 2020 and into 2021, Cultural Services staff will work to further investigate and where appropriate make further recommendations related to:

- changes to Front of House services;
- changes to Box Office services; and
- increased arts programming that could fill existing gaps in performance variety.

Conclusion:

The VFM audit validated several City processes and confirmed the current model is proven to be successful, with the KCT being a rarity, in Canada, as a self-sustaining operation, and only requiring fine-tuning to become more efficient. Staff have outlined the necessary actions moving forward and will continue to use the findings of the review to assess any further modifications to KCT operations.

Internal Circulation:

Divisional Director, Active Living & Culture
Divisional Director, Financial Services
Corporate Finance Manager
Administration & Business Services Manager
Kelowna Community Theatre Manager
Communications Advisor

Considerations applicable to this report:

Existing Policy:

- Cultural Policy #274
- Conditions of Use and Allocation Guidelines for Recreation and Cultural Facilities
- Bylaw No. 11739 Amendment No. 6 to Active Living & Culture Fees and Charges Bylaw No. 9609
- 2020-2025 Cultural Plan

Considerations not applicable to this report:

Legal/Statutory Authority

Legal/Statutory Procedural Requirements

Financial/Budgetary Considerations

External Agency/Public Comments

Communications Comments

Submitted by:

C.McWillis, Cultural Services Manager

Approved for inclusion:

JG




Kelowna Community Theatre Operating Model Review

June 1, 2020



Purpose



To provide Council with an overview of the results of the Value for Money audit report for the Kelowna Community Theatre Operating Model.

Kelowna Community Theatre

- ▶ Opened in 1962
- ▶ Owned and operated by the City
- ▶ Main Stage – 847 seats
- ▶ Black Box – 106 seats
- ▶ Support spaces (green room, dressing rooms, etc.)
- ▶ Operates as a rental theatre

The Review

- ▶ In 2018/19, a value for money audit was conducted on the operations of the KCT.
- ▶ The purpose of the review was to:
 - ▶ assess the current operating model;
 - ▶ identify and describe alternate operating models providing advantages and disadvantages for each;
 - ▶ develop more fully the preferred options; and
 - ▶ make recommendations for modifications as required.

Key Components

- ▶ Booking Policies & Procedures
- ▶ Programming Review
- ▶ Staffing and Reporting Structure
- ▶ Front of House Services
- ▶ Box Office Services
- ▶ Booking and Attendance Activity
- ▶ Rental Rates
- ▶ Financial Viability
- ▶ City support to the Arts (as it relates to KCT Operations)
- ▶ Operating Model Review

Summary of Findings

- ▶ The current model is proven to be successful and only requires fine-tuning to become more efficient and to generate additional funding which can be used to further arts development.

Key Recommendations

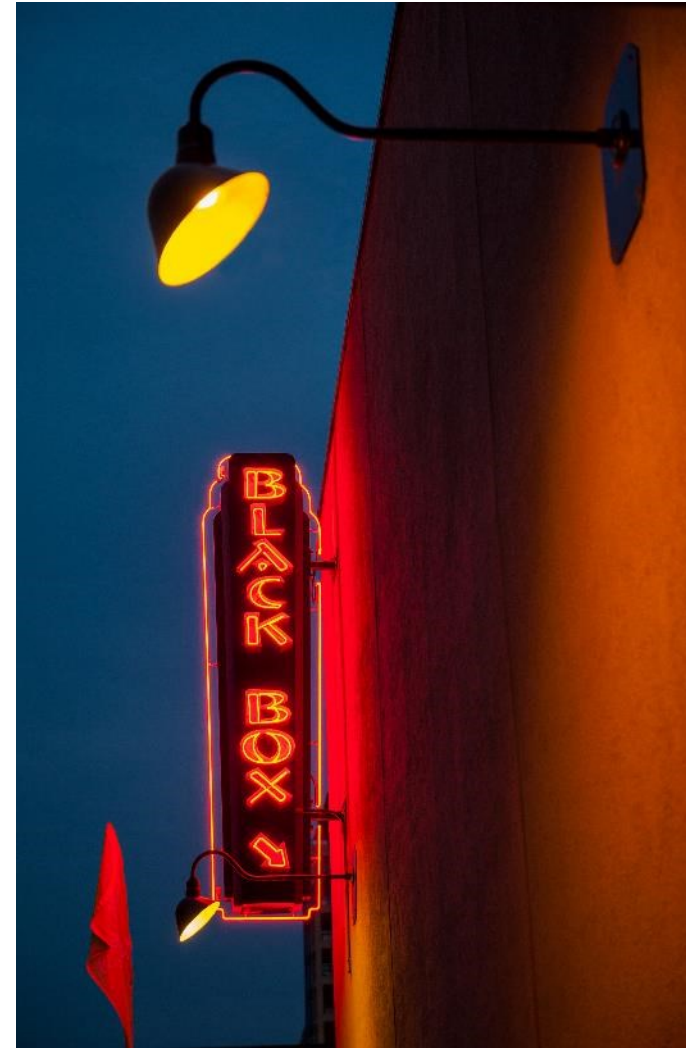
- 1) Front House and Box Office
 - ▶ Both are critical for user experience and connection between KCT and it's patrons. Both have revenue generating potential. Further review recommended.
- 2) Technical Director position
 - ▶ It's best practice to have a Technical Director with the focus on efficiency of the technical operations of the facility.
- 3) Annual presentation series
 - ▶ To continue KCT's strong presence in the community and to control some of the artistic content in the theatre further investigation into a possible presentation series.

Progress To Date

- ▶ Reviewing the Theatre Technician positions and the possibility of hiring a Technical Director position.
- ▶ Reviewing the Fees and Charges Bylaw and Conditions of Use and Allocation Guidelines for Recreation and Cultural Facilities to ensure ease of implementation and ongoing financial success at KCT; and
- ▶ Filling available booking days and enhance programmed spaced at KCT.

Next Steps

- ▶ Staff will work to further investigate and make potential changes or updates to:
 - ▶ Front of House services;
 - ▶ Box Office services; and
 - ▶ existing gaps in arts programming.





Questions?

For more information, visit kelowna.ca/culture.

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: COVID-19 Sport & Recreation Re-Opening Framework
Department: Active Living & Culture

Recommendation:

THAT Council receives for information the report from the Active Living & Culture Divisional Director dated June 1, 2020, regarding the framework and approach to re-opening City-operated sport and recreation facilities and reactivating programs.

Purpose:

To provide Council with an overview of the approach and framework to re-opening City-operated sport and recreation facilities and reactivating programs as part of the COVID-19 response.

Background:

The COVID-19 pandemic has changed the way of life for people in British Columbia and around the world. The measures taken to control the spread of the virus has had a profound impact on how individuals and families spend their leisure time and how they connect with each other and the broader community.

In Kelowna, the closure of sport, recreation and culture facilities, and cancellations of related programs, has been a surreal process, but a necessary measure to ensure public health and safety. BC’s progression into Phase 2 of its Restart Plan is a positive step forward and provides guidance as we consider reopening recreation facilities and reactivating programs.

The change in conversation from ‘what we can’t do’ to ‘what can we do’ is a welcome shift. This has become a growing question from many of our community partners who are looking to the City for guidance. It will be important for the City, through the Active Living & Culture (ALC) division, to provide support and leadership along the way. A systematic community approach to re-entry will help ensure that community services are offered in a safe, progressive and timely manner for all residents.

Discussion:

Provincial Plan

There is an abundance of information available regarding COVID-19 and facility re-opening requirements and considerations including from WorkSafe BC, Health Authorities and various provincial agencies (i.e. Lifesaving Society – BC and Yukon Branch). Within the sport and recreation sector, re-start guidelines have been prepared and forwarded to the Provincial Government for approval. These include:

- **British Columbia Recreation and Parks Association** has developed guidelines for how public recreation and parks sector can operate safely during the pandemic. The guidelines are intended to provide a framework for local and regional governments as they develop their recreation facility and program reactivation plans. The guidelines recognize that each community has its own balance of risk, resources, capacity and public demand to weigh in deciding about their timeline and process for re-opening facilities and offering services. (Approved)
- **ViaSport** has developed sector return to sport guidelines that will support reactivation of the local sport system. Based on these guidelines, Provincial Sport Organizations (PSO) will be required to develop sport-specific return to sport guidelines/plans. The PSO approved guidelines will then be provided to Local Sport Organizations (LSO) to adopt and develop their own Return to Sport plans for local board approval. LSOs will be required to submit their plans to the City/Facility Operators for start-up consideration. (Approval pending)

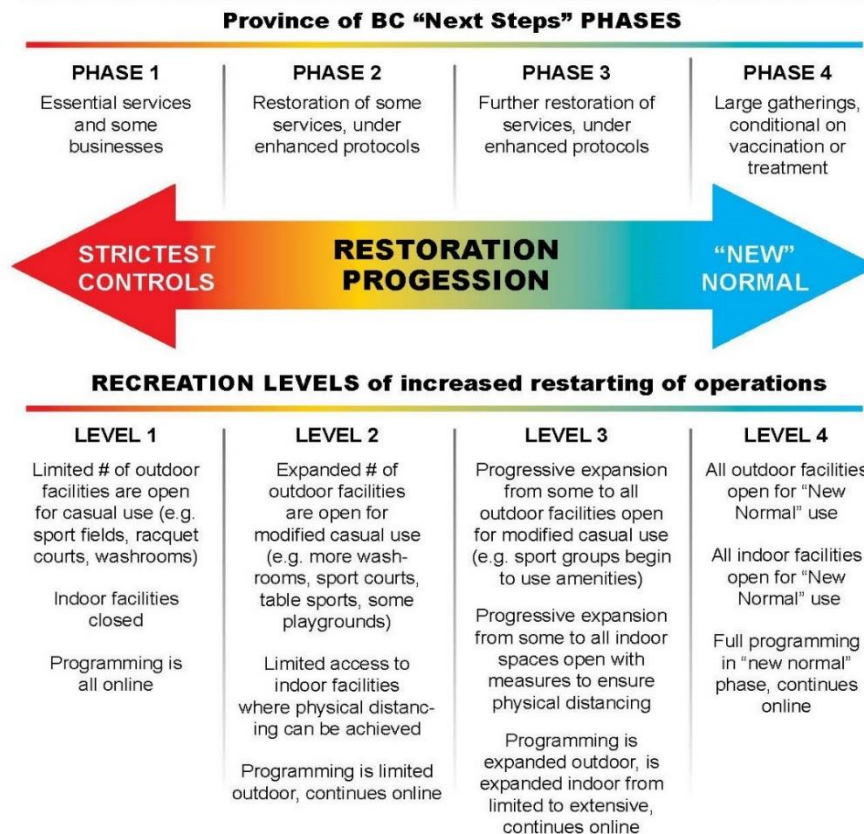
Staff also remain connected with other Okanagan municipalities, School District 23 and Interior Health to discuss re-opening plans and ensure alignment where possible.

Framework and Local Plan

The Progressive Planning Framework below is a layered plan that outlines progressive steps forward. The first layer is phases of the BC's "Next Steps" Plan; the second layer is a recreation levels system designed to enable fluid movement between levels (provided by BCRPA).

The BCRPA Guideline recognize that it is up to each local government to decide how to provide its services and operations as it scales from level to level. The pace of transition from level one to level four will be a gradual process based on risk potential, financial realities and public expectations. Conditions may arise that require movement forward and back between levels as recreation expands and contracts in response to many complex conditions in the pandemic period.

PROGRESSIVE PLANNING FRAMEWORK



Based on the framework, the following general principles will guide our approach to reopening recreation facilities and reactivating programs:

- Focus on outdoor facilities before indoor facilities
- Focus on casual use before programmed use
- Focus on individual activities before group activities
- Focus on skill development before competition
- Focus on local community before neighbouring communities

Outdoor and Indoor Facilities

As per the progressive intent of the framework, several outdoor spaces were opened in May including tennis and pickleball courts, BMX track, disc golf, beach volleyball and basketball courts. All have been opened for casual use only. As planning continues several additional outdoor and indoor facilities have been tentatively targeted for late June or July openings. It is expected that all of these facilities will have

a modified delivery approach and some will have areas within the facility that will be phased in at a later date.

The initial indoor facilities being considered offer larger open spaces that support physical distancing requirements and provide the flexibility to support community groups with approved return to activity plans. Staff are currently completing facility audits to determine requirements and modifications necessary to reopen as well as timelines for facility readiness. It is expected some facilities will take longer to prepare than others.

Several facilities and spaces are user group based (i.e. arenas, activity centres). A key component of the facility audit will include a user group readiness assessment. These assessments will become an important consideration for our facility reopening plans. Also, local organizations will be responsible to develop return to activity/sport plans based on the approved provincial guidelines.

Next phase of facilities under review include:

Outdoor Space	Consideration
Water and splash parks (3)	Possible phased approach considering casual use parameters.
Recreation Parks – Mission Softball Complex, Elks Stadium and sportsfields	Local sport organization readiness with return to activity plans.

Indoor Space	Consideration
Parkinson Recreation Centre	Phased approach – initial focus on weightroom and limited indoor program space. Aquatics to be determined.
Rutland Arena	Possible phased approach based on resources and demand. Local sport organization readiness with return to activity plans.
Activity Centres – Parkinson, Rutland and Mission	Possible phased approach of facilities and/or space within each facility. Rentals/community use would require return to activity plan.
Community Program Space – Kinsmen Fieldhouse and Kinsmen Media Centre	Possible phased approach of facilities and/or space within each facility. Rentals/community use would require return to activity plan.

There are several City-owned facilities operated by a third party including the H2O Adventure and Fitness Centre, Capital News Centre, Okanagan Gymnastic Centre, Kelowna Curling Club and Kelowna Badminton Club. Staff have been in contact with facility operators throughout the closure period and will continue to work with them as they develop their reopening plans. It is important to note that timelines for reopening may vary.

Programs and Events

Re-start Guidelines have been developed to welcome participants back to recreation programs in a safe and gradual manner. Wherever possible, programs and activities will be held outdoors. Following the reopening of some facilities, programs will begin to be held indoors with modifications:

- Promote physical distancing through small class sizes, individually focused activities (versus partners) and utilizing large spaces for programs

- Promote hand hygiene through frequent hand washing and cleaning high touch areas
- Ensuring staff and participants do not attend programs if they're sick
- Increasing cleanliness by not sharing equipment and providing adequate time and resources to effectively clean between classes

At this point, summer program registration will open by mid-June for programs running in July and August. The Summer Activity & Program Guide will be delivered to the community in an online format only which allows ongoing flexibility in displaying the modified programs being offered as we move through the phases of reactivation. As COVID-19 is unpredictable, we need to adapt as well to be able to add, change or cancel programs as the pandemic and associated measures evolve.

All large outdoor events have been cancelled to the end of August; however, smaller scale events (fewer than 50 people) might still be held with modifications that align with the Provincial Health Office. Details around the event permitting process during COVID 19 are currently being finalized.

Health & Safety Considerations

As the City continues to re-open facilities and re-activate programs, there will need to be changes in how these are delivered. Appropriate protective measures will be put in place to ensure a safe environment exists for both staff and public. These measures include:

- Heightened cleaning and disinfection
- Modifications of facilities to include protective plexiglass barriers for front counters where appropriate
- Ensuring physical distancing is maintained where possible through program modifications and queuing strategies
- Directing anyone experiencing symptoms to stay home
- Promoting high levels of handwashing and personal hygiene as a key preventative measure
- Providing public education on maintaining physical distance at indoor and outdoor spaces
- Ensuring clear return to activity guidelines are in place for groups

These and other considerations will direct planning as staff continue to move forward with reopening facilities and reactivating programs.

Conclusion:

Kelowna, by nature, is an active community. In the 2018 Citizens Survey, Kelowna residents ranked “good recreational facilities, opportunities and activities” as one of the top three qualities that make a city a good place to live. While the cancellation of many sport, culture and recreation offerings has been necessary for the collective health of our citizens, we also know it has been incredibly challenging for our community. Recreational and cultural opportunities provide benefits, reaching far beyond just physical well-being to include social, intellectual, and emotional benefits. While we are eager to reintroduce programs and facilities, it must be done with the safety of both residents and staff as the highest priority.

Staff will continue to work with key stakeholders to advance through the planning framework in a thoughtful progressive manner to reopen facilities and reactivate programs.

Internal Circulation:

Active Living & Culture Managers
Infrastructure Operations
Communications
Human Resources
Financial Services

Financial/Budgetary Considerations:

The reopening of facilities and reactivating of programs will have financial implications:

- Facility and program modifications will need to be implemented. Modifications may include physical changes within facilities, enhanced cleaning, reduced program participant capacities and partial opening of some facilities.
- Extraordinary costs (both one time and ongoing) needed to ensure the safety of the community and staff (i.e. signage, hand sanitizing stations).
- Staff that were laid-off will need to be rehired (based on need).

At the onset of COVID-19 pandemic, all staff worked with the Financial Services Division to adjust revenues and expenditure budgets for 2020 Final Budget. Staff have also worked to forecast cash flow impacts resulting from COVID-19.

As staff move forward with planning and reopening steps there will be a heightened attention to matching revenue streams with expenses, where possible. Staff will continue to work with the Financial Services Division to communicate financial plans affecting the City’s cash flow and budget.

Communications Comments:

Public communication regarding reopening dates and safety guidelines will be key to public understanding and commitment to new protocols. In addition to the online distribution of the Summer Activity & Program Guide, a number of additional tactics including media releases, social media and e-bulletins will be utilized to inform the public of summer programs and reopening phases.

Considerations not applicable to this report:

Existing Policy
Legal/Statutory Authority
Legal/Statutory Procedural Requirements
External Agency/Public Comments

Submitted by:

J. Gabriel, Divisional Director, Active Living & Culture

Approved for inclusion:

Attachments PowerPoint Presentation



Sport & Recreation Re-opening Framework

June 2020

Sport, recreation and culture



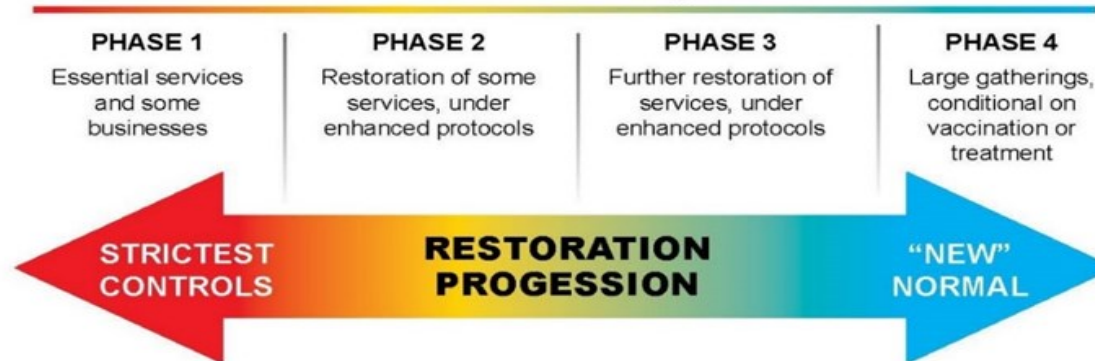
Guided Approach

- ▶ BC's Restart Plan
- ▶ Sector Influence
 - ▶ BCRPA
 - ▶ ViaSport
 - ▶ Other
- ▶ Regional Collaborations



PROGRESSIVE PLANNING FRAMEWORK

Province of BC “Next Steps” PHASES

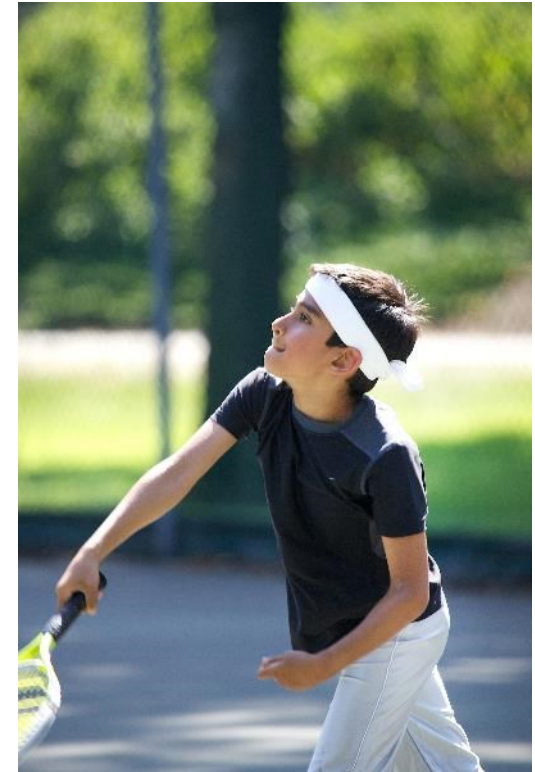


RECREATION LEVELS of increased restarting of operations

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Limited # of outdoor facilities are open for casual use (e.g. sport fields, racquet courts, washrooms)	Expanded # of outdoor facilities are open for modified casual use (e.g. more washrooms, sport courts, table sports, some playgrounds)	Progressive expansion from some to all outdoor facilities open for modified casual use (e.g. sport groups begin to use amenities)	All outdoor facilities open for “New Normal” use
Indoor facilities closed	Limited access to indoor facilities where physical distancing can be achieved	Progressive expansion from some to all indoor spaces open with measures to ensure physical distancing	All indoor facilities open for “New Normal” use
Programming is all online	Programming is limited outdoor, continues online	Programming is expanded outdoor, is expanded indoor from limited to extensive, continues online	Full programming in “new normal” phase, continues online

Guiding Principles

- ▶ Outdoor before indoor
- ▶ Casual use before programmed
- ▶ Individual activities before group
- ▶ Skill development before competition
- ▶ Local community before neighbouring communities



Outdoor facilities



- ▶ Initial phase – mid May
 - ▶ Courts and outdoor spaces
 - ▶ Casual use and modified play
- ▶ Next phase (tentative) – late June/July
 - ▶ Water parks
 - ▶ Recreation Parks & Stadiums
 - ▶ Phased approach, modified play and 'return to' plans

Indoor facilities

- ▶ Initial phase (tentative) – late June/July
 - ▶ Parkinson Recreation Centre
 - ▶ Rutland Arena
 - ▶ Activity Centres
 - ▶ Program Space
- ▶ Phased approach, modified use, and 'return to' plans



Programs and Events

- ▶ Recreation programs
- ▶ Summer camps
- ▶ Community events and bookings



Health and Safety Measures

Key principles:

- ▶ Personal Hygiene
- ▶ Stay Home If You Are Sick
- ▶ Environmental Hygiene
- ▶ Safe Social Distancing
- ▶ Physical Modifications



Next steps

- ▶ Go slow to go fast
- ▶ Continued collaboration
- ▶ Forecast financial impact
- ▶ Measured progression through the framework





Questions?

For more information, visit kelowna.ca.

Report to Council



Date: June 1, 2020
To: Council
From: City Manager
Subject: Climate Action Revenue Incentive Program Public Report for 2019
Department: Policy & Planning and Building Services

Recommendation:

THAT Council receives, for information, the report from Policy & Planning and Building Services, dated June 1, 2020, with respect to the Climate Action Revenue Incentive Program Public Report;

AND THAT the 2020 Financial Plan be amended to increase both the revenue and the associated contribution to the Energy Management Rebate Reserve budget by \$354,090 as a result of the Climate Action Revenue Incentive Program grant.

Purpose:

To report on climate progress made in 2019 to meet the City's climate action goal to fulfill the public reporting requirement for the provincial Climate Action Revenue Incentive Program grant.

Background:

As part of the provincial Climate Action Revenue Incentive Program (CARIP) reporting requirements, local governments must report on what has been achieved to mitigate climate change (i.e. reduce greenhouse gas emissions (GHG) emissions) and to adapt to climate change (i.e. prepare for changes in climate). CARIP is a provincial conditional grant program that provides funding to local governments, who have signed the BC Climate Action Charter, equivalent to 100 per cent of the carbon taxes they pay directly. This funding supports local governments in their efforts to reduce greenhouse gas (GHG) emissions, address climate impacts, and move forward on achieving their Charter goals.¹ The City of Kelowna signed the Charter in 2007, committing to take action and develop strategies to achieve the following three goals:

1. Being carbon neutral in corporate operations (the Province allows for "making progress towards" becoming carbon neutral);

¹ Province of BC, 2020. Climate Action Revenue Incentive Program.

<https://www2.gov.bc.ca/gov/content/governments/local-governments/grants-transfers/climate-action-revenue-incentive-program-carip>

2. Measure and report on community GHG emissions profile; and
3. Create complete, compact, energy efficient rural and urban communities.

As a Charter signatory, the City is eligible for the CARIP grant, provided a report on the City's progress toward meeting climate action goals is made public by the June 1 deadline (see attached: *Climate Action Revenue Incentive Program (CARIP) Public Report for 2019*).

In addition to reporting publicly, Financial Services completed the required Carbon Tax Calculation Form and it will be submitted alongside the Public Report. The City is requesting a return of \$354,090; the total amount of carbon tax the City paid directly in 2019. The funds will be placed in the Ro11 – Energy Management Rebate Reserve and will be used for projects that help lower energy and greenhouse gas emissions. Projects to be funded are reviewed and recommended by the City's Energy Management Committee and in the past have funded endeavors like the LED streetlight retrofit program.

Reporting requirements have changed from previous years. This year reporting focuses only on local government initiatives that reduce GHG emissions from the past year and no longer includes plans for the upcoming year.

CARIP Corporate GHG Emissions Reporting

The City tracks energy and emissions data from its corporate operations and this information is uploaded into the City's energy management system. Sources for CARIP GHG emissions reporting include:

- Civic buildings and facilities (i.e. H₂O, Fire Halls, City Hall, etc.)
- Outdoor lighting
- Water and wastewater treatment
- Vehicle fleet

Corporate emissions for 2019 are 7,931 tonnes CO₂ equivalent. On the surface this number appears to be a significant increase from last year, however, recent changes in utilities billing revealed that some of the City's electricity and natural gas accounts were not included in the usage reports provided by Fortis, resulting in corporate emissions being under reported. Over the coming months staff will reconcile the historical data so that a historical trend can be established to see how the City is progressing on its goal to reduce corporate GHG emissions by 12 per cent below 2007 levels by 2022 as identified in the *Corporate Energy and GHG Emissions Plan* (2018).

2019 Corporate GHG Emission Reduction Highlights

A variety of actions were implemented in 2019 to reduce corporate GHG emissions from buildings, fleet, solid waste, water, and wastewater. Highlights include:

- Upgraded to LED lighting for the ice sheets at Rutland Arena, Memorial Arena and Prospera Place. Further, some LED upgrades were done in all facilities as part of the end of life replacement program.
- Replaced and optimized pump systems at Wastewater Treatment Facility.
- Upgraded City Hall boilers from low efficiency to high efficiency.
- Studied the energy efficiency at H₂O.
- Updated the 10-Year Capital Plan which sets the direction for infrastructure investment and includes infrastructure to renew existing assets and to accommodate growth.

- Purchased 3 electric fleet vehicles and initiated an internal staff Electric Vehicle Committee (representing five different departments) that will update Council and Senior Leadership on EV policy and initiatives (both corporate and community).
- Reduced irrigation water use in city parks by approximately 38 million liters annually through a combination of initiatives including: technical adjustments, new installation guidelines, new operational recommendations, and upgrades to the water flow sensing cables and systems to better detect leaks for irrigation.

2019 Community GHG Emission Reduction Highlights

Kelowna's Community Climate Action Plan identifies actions that the City can lead to help the community reduce community GHG emissions by four per cent compared to 2007 levels by 2023. While emissions vary from year to year, it is concerning that the emissions increased 5.9 per cent in 2017 when compared to the 2007 baseline (the most recent year that data is available). This makes the City's actions even more essential to help support the community to transition to lower emissions. Local governments can influence emission reductions through land-use planning, transportation options, building requirements and waste services. Highlights of some of the actions implemented in 2019 that will help reduce community emissions include:

- Council endorsed the Growth Strategy for the 2040 OCP Update which will support the creation of compact, complete and energy efficient communities.
- Council endorsed the implementation of the Energy Step Code for Part 9 residential buildings in the Spring of 2019 with the requirement of Step 1 commencing December 1, 2019. Step 3 will be required June 1, 2021.
- Partnered with FortisBC and Okanagan Regional Library to offer the *See the Heat* thermal imaging camera program for residents to learn about the energy efficiency of their home.
- Completed LiDAR analysis to show that community wide Kelowna's tree canopy coverage was 23%, surpassing the 20% target established in the 2030 OCP. More work needs to be done however, as the study showed downtown and urban areas were only at 12.4%.
- Expanded the active transportation network by 2.7 km through protected bike lane projects, including those on Sutherland and Ethel Avenues.
- Installed four Level 3 DC fast chargers (two at Kelowna International Airport, one at the Okanagan Heritage Museum and one at Rutland Centennial Park) in partnership with FortisBC and Natural Resources Canada (NRCan).
- Implemented an irrigation controller and rain sensor rebate program to encourage water conservation by the public.
- Negotiated 6,762 m² of riparian restoration through the development process.
- Hosted several reuse and reduce events including two trunk sales, two repair café's and a backyard composter subsidy program.

2019 Actions to Prepare and Adapt to Climate Change

A joint report commissioned and released earlier this year by the regional districts in the Okanagan, *Climate Projections for the Okanagan Region*, models the changes that the Okanagan climate will experience over the coming decades. Significant changes are projected with hotter, drier summers; warmer winters; increased precipitation in all seasons except summer; and a shifting of the seasons as

spring-like conditions will start earlier in the year and fall-like conditions will last later in the year.² While the City does not yet have a Climate Adaptation Plan to provide comprehensive direction to prepare for changes in climate, several departments have worked on a number of projects over the past year that will help prepare and make the community more resilient including:

- Amended Subdivision, Development and Servicing Bylaw 7900 to incorporate climate change into the standard. Stormwater quantities now include a rainfall intensity increase of 15% in the calculations.
- Implemented fuel modification and wildfire management at Knox Mountain Park (this is an ongoing multi-year project).
- Removed 600 trees to increase Mill Creek channel capacity between Lake Avenue and Sexsmith Road. 900 replacement trees, that were more appropriate species for the area, were planted in better locations to contribute to the riparian function and GHG emissions reduction.
- Initiated Area Based Water Management Plan in conjunction with local, regional, and provincial agencies to take a holistic view of water supply and connectivity in the Okanagan Valley. The Plan addresses water, source water protection, wastewater, stormwater, natural asset management, and environmental flow needs.

Conclusion:

The best available science stresses the urgency to cut global emissions in half over the next decade to avoid climate change's most damaging impacts.³ In order to make significant progress on the targets, it is imperative that everyone - residents, businesses, industry, and senior levels of government – do their part. At the community level, local governments have the front-line responsibility to impact climate change and adaptation. They are on the front lines of flooding, wildfires, and storms; responsible for infrastructure; provide first responder services; educate and prepare residents; and influence more than half of GHG emissions emitted.⁴ The benefits of acting on climate change are, however, far reaching and extend beyond reducing emissions. Improved health and air quality, greater community resilience, economic development, and reduced costs⁵ are just a few of positive community impacts climate solutions can have.

Internal Circulation:

Divisional Director, Planning & Development Services
Divisional Director, Financial Services
Accounting Operations Manager
Building Services Manager
Financial Planning Manager

² RDCO, RDNO, RDOS, Pinna Sustainability, February 2020. Climate Projections for the Okanagan Region.

https://www.regionaldistrict.com/media/279459/OK_Climate_Projections_Report_Final.pdf

³ IPCC, October 8, 2018. Intergovernmental Panel on Climate Change Press Release: Summary for Policy Makers of IPCC Special Report on Global Warming of 1.5°C approved by governments.

https://www.ipcc.ch/site/assets/uploads/2018/11/pr_181008_P48_spm_en.pdf

⁴ Don Lidstone, QC and Ian Moore, September 25, 2019. "Declaring a Climate Emergency – Legal Issues" for Planning Institute of BC Climate Emergency Webinar.

⁵ City of Vancouver, April 16, 2019. Climate Emergency Response Administrative Report.

<https://council.vancouver.ca/20190424/documents/cfsc1.pdf>

Fleet Services Manager
 Grants & Special Projects Manager
 Infrastructure Engineering Manager
 Infrastructure Operations Department Manager
 Landfill & Compost Operations Manager
 Strategic Transportation Planning Manager
 Utility Planning Manager
 Utility Services Manager
 Budget Supervisor
 Urban Forestry Supervisor
 Water Quality & Customer Care Supervisor
 Financial Analyst
 Park and Landscape Planner
 Environmental Coordinator

Considerations applicable to this report:

Existing Policy:

OCP Objective 6.2: Improve energy efficiency and reduce community greenhouse gas emissions

OCP Policy 6.2.1 *GHG Reduction Target and Actions.* The City of Kelowna will, in partnership with: senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing absolute community greenhouse gas emissions by:

- 4% below 2007 levels by 2023;
- 25% below 2007 levels by 2033;
- 80% below 2007 levels by 2050.

The City of Kelowna’s efforts will be focused on creating a dynamic community that embraces sustainable transportation options, energy efficient buildings and vibrant urban centres.

City will support the reduced use of fossil fuels in buildings by encouraging renewable energy supplies, and energy efficient technologies in new and existing buildings.

The City will lead through example and strive to meet the BC Climate Action Charter Targets for the reduction of GHG emissions from municipal infrastructure.

OCP Policy 7.1.3 Greenhouse Gas Reduction Criteria. Incorporate greenhouse gas reduction criteria in infrastructure projects for evaluation / modeling and procurement.

OCP Policy 7.19.2 Energy Reduction Priorities. In working to reduce greenhouse gas emissions, place a primary focus on reducing demand, then prioritize further efforts in the following sequence: re-using waste heat, using renewable heat, and then finally on using renewable energy.

Financial/Budgetary Considerations:

To be eligible for the CARIP grant, a copy of the CARIP Public Report for 2019 (attached) must be made public and submitted to the Province by June 1, 2019. Further, the 2019 CARIP Carbon Tax Calculation Form will be submitted to the Province, requesting \$354,090. (Note: local governments that do not complete, submit and make public their 2019 CARIP Climate Action Public Report by the deadline of June 1, 2020, may not be eligible for the grant.5)

The annual CARIP grant will be placed in the Energy Management Rebate Reserve and will be used for projects that will reduce corporate energy and GHG emissions. Projects for 2020 will be reviewed by the Energy Management Committee and prioritized based on their business case which will include consideration for environmental and economic benefit.

External Agency/Public Comments:

As the Regional Waste Reduction office provides waste reduction for the entire region, staff from their offices, provided a synopsis of waste reduction projects and programs for the CARIP report.

Communications Comments:

A link to the CARIP Public Report for 2018 will be posted on the City's Climate Action webpage.

Submitted by:

T. Guidi, Sustainability Coordinator

B. Tollefson, Energy Program Manager

Approved for inclusion:



Danielle Noble-Brandt, Policy & Planning Dept. Manager

Climate Action Revenue Incentive Program (CARIP)

Public Report for 2019

May, 2020

1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250-469-8610
FAX 250-862-3349
email@kelowna.ca

kelowna.ca

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Local Government Information

Name of Local Government:	City of Kelowna
Name of Regional District:	Regional District of Central Okanagan
Does your region have a Regional Growth Strategy?	Yes
Population category:	100,000 +
Submitted by:	Tracy Guidi Sustainability Coordinator 250 469-8983 tguidi@kelowna.ca

Narrative Focus

Local government signatories to the B.C. Climate Action Charter have committed to taking climate action by:

- Working towards achieving corporate carbon neutrality;
- Measuring and reporting on their community wide greenhouse gas (GHG) emissions; and
- Creating complete, compact, energy-efficient communities.

A key part of the 2019 CARIP survey is to highlight and celebrate successful climate actions undertaken by local governments in British Columbia.

1. In 2019, what actions has your local government taken to support the creation of compact, complete, and energy efficient communities?

Last April (2019) Kelowna City Council endorsed a growth scenario for the community that identifies generally where future residential growth, estimated at 25,000 units, will be targeted between 2020 and 2040. The key directions for the growth scenario include:

- More infill and redevelopment in the Core Area (target of 67% of new units in the Urban Core area and 33% of new units in the suburbs)
- Greater focus on “missing middle housing” throughout the Urban Core Area (target of 75% of new housing as multi-unit and 25% as single/two-unit housing)
- No new suburban areas identified for new development

This growth scenario sets key directions for the updates to the Official Community Plan (OCP), Transportation Master Plan (TMP) and 20 Year Servicing Plan that are all in progress. Further, the development of these three plans is being done concurrently to ensure these critical planning documents work together to move towards the vision outlined in Imagine Kelowna (a vision for the community developed with input from the community) that includes growing vibrant urban centers, limiting sprawl and connecting people through diverse transportation options transitioning from our car-centric culture.

At a more localized level, Council adopted the Capri-Landmark Urban Centre Plan which will significantly enhance the City of Kelowna’s (the City) long-term growth strategy and focus on more urban revitalization in the form of complete communities.

Further, the eligibility requirements for the Rental Tax Exemption Program were changed, introducing location requirements, focusing on areas with transit and amenities.

To improve energy efficiency in the community, Council endorsed the Energy Step Code Implementation Strategy for Part 9 residential buildings in May 2019, and Step 1 commenced December 1, 2019. Stakeholders were engaged in the fall of 2019 to develop a Step Code implementation for Part 3 buildings. Initiatives were also taken to improve energy efficiency for existing homes through the introduction of a *See the Heat* Thermal Imaging Program and Community Energy Retrofit Strategy development.

2019 Corporate Climate Action

Corporate climate actions refer to actions that reduce the GHG emissions produced as a result of a local government's delivery of "traditional services", including fire protection, solid waste management, recreational/cultural services, road and traffic operations, water and wastewater management, and local government administration.

2. In 2019, when it comes to corporate climate action, did your local government undertake any of the following actions?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Building and Lighting Actions | <input checked="" type="checkbox"/> Transportation Actions |
| <input checked="" type="checkbox"/> Energy Generation Actions | <input checked="" type="checkbox"/> Water and Wastewater Actions |
| <input checked="" type="checkbox"/> Greenspace Actions | <input type="checkbox"/> Other Climate Actions (please specify) |
| <input checked="" type="checkbox"/> Planning Actions | <input type="checkbox"/> Don't Know |
| <input checked="" type="checkbox"/> Solid Waste Actions | |

3. When it comes to corporate Building and Lighting Actions, did your local government undertake any of the following in 2019?

- New or upgraded energy-efficient lighting systems
- New or upgraded energy efficient heating systems
- New or upgraded building envelope initiatives
- Upgrades to amenities in recreation facilities
- Studies related to building and/or lighting energy efficiency
- Other (Please specify)
- Don't Know

2019 Highlights

- Upgraded to LED lighting for the ice sheets at Rutland Arena, Memorial Arena and Prospera.
- Continued LED lighting upgrades in all facilities as part of end of life replacement program.
- Replaced and optimized pump systems at Wastewater Treatment Facility.
- Upgraded City Hall boilers from low efficiency to high efficiency.
- Studied the energy efficiency at H₂O.

4. When it comes to corporate Energy Generation Actions, did your local government undertake any of the following in 2019?

- Solar power projects
- Heat recovery or heat reclamation projects
- Biomass or bio-gas projects
- Geo-exchange or geothermal projects
- Studies related to energy generation
- Other (please specify)
- Don't know

2019 Highlights

- No new projects completed in 2019. Past ongoing projects include heat recovery from Rutland Arena and Wastewater Treatment Facility, solar hot water and earth tubes at the landfill, etc.

5. When it comes to corporate Greenspace Actions, did your local government undertake any of the following in 2019?

- Tree planting
- Greenspace acquisition
- New or upgraded amenities in parks
- Invasive species management
- Plans or strategies related to greenspace
- Other (please specify)
- Don't know

2019 Highlights

- Developed linear park along Bellevue Creek (Phase 1).
- Developing a Shoreline Protection Plan to enhance and protect riparian areas along the shoreline.
- Removed structures to create 1.4 acres of additional park space at Sarsons Beach and Hobsons Beach Parks.
- Planted 250 trees in boulevards and parks; 900 trees along Mill Creek, and 720 seedlings at Mission Ridge and Mission Creek Mountain Bike Skills Park

6. When it comes to corporate Planning Actions, did your local government undertake any of the following in 2019?

- Energy / Emissions Management Plan (new or updated)
- Asset Management Plan (new or updated)
- Corporate Climate Action Plan (new or updated)
- Strategic Plan (new or updated)
- Other (please specify)
 - Capital Planning
- Don't know

2019 Highlights

- Updated the 10-Year Capital Plan which sets the direction for infrastructure investment and includes infrastructure to renew existing assets and to accommodate growth.

7. When it comes to corporate Solid Waste Actions, did your local government undertake any of the following in 2019?

- Introduction, expansion, or improvement of recycling initiatives at corporate facilities
- Introduction, expansion, or improvement of composting initiatives at corporate facilities
- Communication or education for staff related to corporate solid waste initiatives
- Studies or research related to corporate solid waste initiatives
- Plans or strategies related to corporate solid waste initiatives
- Other (please specify)
 - Increased efficiencies for equipment operations at landfill
- Don't know

2019 Highlights

- Procurement initiatives to have electric/diesel hybrid heavy equipment for the landfill.

8. When it comes to corporate Transportation Actions, did your local government undertake any of the following in 2019?

- Fleet replacement or upgrades
- New or improved electric vehicle initiatives
- New or improved active transportation infrastructure for staff
- Communication or outreach for staff related to corporate transportation initiatives
- New or improved public transportation for staff
- Other (please specify)
 - Electric vehicle policy
 - Renewable diesel to reduce emissions
 - Car share participation
- Don't know

2019 Highlights

- Created an internal staff Electric Vehicle Committee (representing five different departments) that will update Council and Senior Leadership on EV policy and initiatives (both corporate and community).
- Purchased 3 electric fleet vehicles.
- Introduced drive score cards that are generated by GPS systems that provides drivers of fleet vehicles their driver safety and fuel-efficient performance.

9. When it comes to corporate Water and Wastewater Actions, did your local government undertake any of the following in 2019?

- New or improved water or wastewater infrastructure
- Studies or research related to water conservation
- Plans or strategies related to water or wastewater
- Water reduction initiatives
- Other (please specify)
- Don't know

2019 Highlights

- Researched water saving capabilities that could be achieved for the domestic water utility by moving to a remote, cellular based water meter transition endpoint that will allow staff to access water use (and waste) information in real time.
- Reduced irrigation water use in city parks by approximately 38 million liters annually through a combination of initiatives including: technical adjustments, new installation guidelines, new operational recommendations, and upgrades to the water flow sensing cables and systems to better detect leaks for irrigation.

2019 Community-Wide Climate Action

Community-wide actions refer to actions that reduce GHG emissions across the community (i.e. actions not related to “traditional services” in corporate operations).

10. In 2019, when it comes to community-wide climate action, did your local government undertake any of the following actions?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Building and Lighting Actions | <input checked="" type="checkbox"/> Water and Wastewater Actions |
| <input checked="" type="checkbox"/> Energy Generation Actions | <input checked="" type="checkbox"/> Other Climate Actions (please specify) |
| <input checked="" type="checkbox"/> Greenspace Actions | <ul style="list-style-type: none"> • Woodstove Exchange Program • Agricultural Chipping Program • Mow-Chip-Rent It Rebate Program |
| <input checked="" type="checkbox"/> Planning Actions | |
| <input checked="" type="checkbox"/> Solid Waste Actions | |
| <input checked="" type="checkbox"/> Transportation Actions | <input type="checkbox"/> Don't Know |

11. When it comes to community-wide Building and Lighting Actions, did your local government undertake any of the following in 2019?

- New or upgraded energy-efficient lighting systems
- New or upgraded energy efficient heating systems
- BC Energy Step Code related projects
- Incentives/rebate programs related to energy-efficient building or lighting
- Outreach, education or communication related to energy-efficient building or lighting
- Other (Please specify)
 - Community Energy Retrofit Strategy development
- Don't Know

2019 Highlights

- Kelowna City Council endorsed the implementation of the Energy Step Code for Part 9 residential buildings in the Spring of 2019 with the following key dates:
 - December 1, 2019: Step 1 implementation
 - June 1, 2021: Step 3 implementation
- Partnered with FortisBC and Okanagan Regional Library to offer the *See the Heat* thermal imaging camera program. Residents can borrow a thermal imaging to learn more about the energy efficiency of their home.
- Collaborated with FortisBC to promote the Small Business Program, which offers free energy evaluations and energy saving products. In Kelowna there were 135 evaluations completed that resulted in 30 retrofit projects saving more than 137,000 kWh of energy.

12. When it comes to community-wide Energy Generation Actions, did your local government undertake any of the following in 2019?

- Solar power projects
- Heat recovery or heat reclamation projects
- Landfill gas capture / utilization projects
- Geo-exchange or geothermal projects
- Studies related to energy generation
- Other (please specify)
 - Renewable energy policy development
- Don't know

2019 Highlights

- Expanded the landfill gas collection system through the installation of ten new horizontal collector runs consisting of 1660m of new pipe.
- Drafted renewable energy target policy for the 2040 OCP.

13. When it comes to community-wide Greenspace Actions, did your local government undertake any of the following in 2019?

- Tree planting
- Greenspace restoration or maintenance
- Greenspace acquisition
- Invasive species management
- Plans or strategies related to greenspace
- Other (please specify)
- Don't know

2019 Highlights

- Acquired 10.8 acres of natural space at Twinflower Court.
- Secured wetland and riparian area property along K.L.O. Road as part of the Mission Creek Restoration Initiative.
- Negotiated 6,762 m² of riparian restoration through the development process.
- Completed LiDAR analysis to show that community wide Kelowna's tree canopy coverage was 23%, surpassing the 20% target established in the 2030 OCP. More work needs to be done; however, as the study showed downtown and urban areas were only at 12.4%.

14. When it comes to community-wide Planning Actions, did your local government undertake any of the following in 2019?

- Official Community Plan (new or updated)
- Climate Action Plan (new or updated)
- Regional Growth Strategy (new or updated)
- New or updated bylaw(s) or zoning addressing climate issues
- Other (please specify)
 - Urban Centre Planning
 - Tax Exemption Program
- Don't know

2019 Highlights

- Council endorsed the Growth Strategy for the 2040 OCP Update.
- Council adopted the Capri-Landmark Urban Centre Plan.
- Updated Rental Tax Exemption Program to introduce location requirements with a focus on areas with transit and amenities.
- Amended the Zoning Bylaw to lower parking requirements and include incentives for carshare and secure bicycle storage for purpose-built rental housing projects and projects in urban centres and the urban core.

15. When it comes to community-wide Solid Waste Actions, did your local government undertake any of the following in 2019?

- Introduction, expansion, or improvement of recycling initiatives
- Introduction, expansion, or improvement of composting initiatives
- Community clean-up initiatives
- General Waste reduction initiatives (including landfill diversion strategies)
- Outreach, education or communication related to solid waste
- Other (please specify)
- Don't know

2019 Highlights

- Hosted several reuse and reduce events including two trunk sales, two repair café's and a backyard composter subsidy program.
- Hired two student ambassadors as part of the regional waste reduction program to educate the public on recycling.
- Hired a new contractor for the curbside waste collection with vehicles that use compressed natural gas instead of diesel to reduce emissions.

16. When it comes to community-wide Transportation Actions, did your local government undertake any of the following in 2019?

- New or improved active transportation infrastructure
- New or improved public transportation initiatives
- New or improved electric vehicle initiatives
- Outreach, education or communication related to transportation
- Plans or strategies related to transportation
- Other (please specify)
 - Traffic signal optimization
 - Electric Vehicle Strategy development
- Don't know

2019 Highlights

- Expanded the active transportation network by 2.7 km through protected bike lane projects on Sutherland and Ethel Avenues.
- Implemented Bikeshare Permit Program which allows private shared mobility operators to deploy a variety of small vehicles as a shared service (e.g. e-scooters, e-bikes). Five e-scooter operators received permits in 2019.
- Developed Transit Service Guidelines to ensure resources are used effectively; that acceptable level of service quality is provided to the customer; and to provide a consistent and fair approach for guiding investments in existing and new transit services.
- Developed Transit Travel Training Action Plan to guide the delivery of training sessions targeting middle and high school aged youth and adults over 50 years of age. This program helps to address people's barriers to transit by educating them on how to effectively interact with transit systems, providing them with the confidence and resources they need to do so successfully.
- Installed four Level 3 DC fast chargers (two at Kelowna International Airport, one at the Okanagan Heritage Museum and one at Rutland Centennial Park) in partnership with FortisBC and Natural Resources Canada (NRCan). In late 2019, an NRCan Zero Emission Vehicle Infrastructure Program grant was approved for two more Level 3 DC Fast chargers to be installed in 2020.
- Paved the final section of the Okanagan Rail Trail from Gordon Drive to Manhattan Point and worked collaboratively with other jurisdictions to draft a Management Plan and Design Guidelines for the Rail Trail.

17. When it comes to community-wide Water and Wastewater Actions, did your local government undertake any of the following in 2019?

- Water restrictions
- Incentives / rebate programs related to water or wastewater
- Outreach, education or communication related to water or wastewater
- Studies or research related to water or wastewater
- Plans or strategies related to water or wastewater
- Other (please specify)
- Don't know

2019 Highlights

- Educated the public and enforced water restrictions which resulted in an estimated five per cent reduction in water usage.
- Implemented an irrigation controller and rain sensor rebate program to encourage water conservation.
- Offered irrigation contractor training to become a water efficient certified service provider which will help reduce water usage through proper landscape material, irrigation design and use of water budget calculators.

Climate Preparedness and Adaptation Action

This section of the 2019 CARIP survey is designed to collect information related to the types of climate impacts local governments are experiencing and how they are being addressed.

18. Please identify the climate impacts that are most relevant to your local government:

- Increased temperatures increasing wildfire activity
- Extreme weather events contributing to urban and overland flooding
- Changes to temperature and precipitation causing seasonal drought
- Warmer winter temperatures reducing snowpack
- Sea level rise and storms causing coastal flooding and/or erosion
- Other (please specify)
- Don't know

19. In 2019, did your local government take any of the following actions in an effort to consider or address the impacts of climate change?

- Emergency response planning
- Asset management
- Infrastructure upgrades
- Public education and awareness
- Strategic and financial planning
- Risk and vulnerability assessments
- Risk reduction strategies
- Official Community Plan policy changes
- Other (please specify)
 - Amendments to Subdivision, Development and Servicing Bylaw 7900
 - Okanagan Climate Change Projections stakeholder contributor

2019 Highlights

- Implemented fuel modification and wildfire management at Knox Mountain Park (this is an ongoing multi-year project).
- Removed 600 trees to increase Mill Creek channel capacity between Lake Avenue and Sexsmith Road. 900 replacement trees, that were more appropriate species for the area, were planted in better locations to contribute to the riparian function and GHG emissions reduction.
- Educated existing wildfire interface neighbourhoods on Firesmart (a program that educates homeowners how to reduce their risk when living in a wildfire interface area).
- Amended Subdivision, Development and Servicing Bylaw 7900 to incorporate climate change into the standard. Stormwater qualities now include a rainfall intensity increase of 15% in the calculations.
- Initiated Area Based Water Management Plan in conjunction with local, regional, and provincial agencies to take a holistic view of water supply and connectivity in the Okanagan Valley. The Plan addresses water, source water protection, wastewater, stormwater, natural asset management, and environmental flow needs.
- Developed modelling tools that incorporate new hydrology estimates based on climate change for Mill Creek.

20. In 2019, did your local government partnered with any of the following organizations to prepare for, and adapt to, a changing climate?

- Adaptation to Climate Change Team (SFU)
- Columbia Basin Trust
- Community Emergency Preparedness Fund (UBCM)
- Federation of Canadian Municipalities
- Fraser Basin Council
- Pacific Institute for Climate Solutions (UVic)
- Other (please specify)
 - Community Resiliency Investment Fund (UBCM)
 - Tree Canada for tree planting
 - SHAW partnership for tree planting
 - Disaster Mitigation and Adaptation Fund (Infrastructure Canada)
- Don't know

2019 Carbon Neutral Reporting

Local governments are required to report on their progress in achieving their corporate carbon neutral goal under the B.C. Climate Action Charter. Working with B.C. local governments, the joint Provincial-UBCM Green Communities Committee has established a common approach to determining corporate carbon neutrality for the purposes of the Charter, including a Carbon Neutral Framework and supporting guidance for local governments on how to become carbon neutral.

Prior to completing this portion of the survey, please ensure that you are familiar with guidance available on the B.C. Climate Action Toolkit website, specifically the Workbook and Becoming Carbon Neutral: A Guide for Local Governments in British Columbia.

Please note: As a result of the BC Recycling Regulation, local governments are no longer required to account for GHG emissions from vehicles, equipment and machinery required for the collection, transportation and diversion of packaging and printed paper, in their annual CARIP reports.

2019 Carbon Emissions

21. Did your local government measure corporate GHG emissions for 2019?

- Yes
- No
- Don't Know

22. If your local government measured 2019 corporate GHG emissions, please report the number of corporate GHG emissions (in tonnes of carbon dioxide equivalent (tCO₂e) from:

Service Delivery Type	2019 GHG Emissions Reductions
Services delivered directly by your local Government	7,931 tonnes CO ₂ e
Contracted Services	-
TOTAL	7,931 tonnes CO₂e

2019 Carbon Reductions

To be carbon neutral, a local government must balance their TOTAL corporate GHG emissions generated in 2019 by one or a combination of the following actions:

- Undertake Green Communities Committee-supported Option 1 Project(s)
- Undertake Green Communities Committee-supported Option 2 Project(s)
- Purchase carbon offsets from a credible offset provider

For more information about options to balance or offset corporate GHG emissions please refer to *Becoming Carbon Neutral: A Guidebook for Local Governments in British Columbia*.

23. If applicable, please report the 2019 GHG emissions reductions (in tonnes of carbon dioxide equivalent (tCO_{2e})) being claimed from any of the following Option 1 GHG Reduction Projects:

Option 1 GHG Reduction Projects	2019 GHG Emissions Reductions
1A Energy Efficiency Retrofits	N/A
1B Solar Thermal	N/A
1C Household Organic Waste	N/A
1D Low Emission Vehicles	N/A
1E Avoided Forest Conversion	N/A
1F Trenchless Technology	N/A
TOTAL	0

24. If applicable, please report the names and 2019 GHG emissions reductions (in tonnes of carbon dioxide equivalent (tCO_{2e})) being claimed from Option 2 GHG Reduction Projects:

Name of Option 2 GHG Reduction Projects	2019 GHG Emissions Reductions
N/A	
TOTAL	0

2019 Carbon Offsets

25. If applicable, please report the name of the offset provider, type of project and number of offsets purchased (in tonnes of carbon dioxide equivalent (tCO₂e)) from an offset provider for the 2019 reporting year.

Name of Offset Provider	Name of Project	2019 GHG Emission Reductions
N/A		
TOTAL		0

Corporate GHG Emissions Balance for 2019

Your local government's corporate GHG emissions balance is the difference between total corporate offsetable GHG emissions (direct + contracted emissions) and the GHG emissions reduced through Green Communities Committee Option 1 and Option 2 projects and/or the purchase of offsets.

26. Corporate GHG Emissions Balance for 2019 = (Total Emissions – (Reductions + Offsets))

Total Corporate Emissions = 7,931 tonnes CO₂e

If your corporate GHG emissions balance is negative or zero,
your local government is carbon neutral.

CONGRATULATIONS!

Green Communities Committee (GCC) Climate Action Recognition Program

The joint Provincial-UBCM Green Communities Committee is pleased to be continuing the Climate Action Recognition Program again this year. This multi-level program provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each Climate Action Charter signatory.

Recognition is provided on an annual basis to local governments who demonstrate progress on their Charter commitments, according to the following:

- Level 1 – Demonstrating Progress on Charter Commitments: For local governments who demonstrate progress on fulfilling one or more of their Charter commitments.
- Level 2 – Measuring GHG Emissions: For local governments that achieve Level 1, who measure their corporate GHG emissions for the reporting year and demonstrate that they are familiar with their community's energy and emissions inventory (i.e. CEEI).
- Level 3 – Accelerating Progress on Charter Commitments: For those local governments who have achieved Level 1 and 2 and demonstrate significant action (corporately or community-wide) in reducing GHG emissions in the reporting year (e.g. through undertaking a GHG reduction project, purchasing offsets, establishing a reserve fund).
- Level 4 - Achievement of Carbon Neutrality: For local governments who achieve corporate carbon neutrality in the reporting year.

27. Based on your local government's 2018 CARIP Climate Action/Carbon Neutral Progress Survey, please check the Green Communities Committee Climate Action Recognition Program level that best applies:

- Level 1 – Demonstrating Progress on Charter Commitments
- Level 2 – Measuring GHG Emissions
- Level 3 – Accelerating Progress on Charter Commitments
- Level 4 – Achievement of Carbon Neutrality
- Don't know

28. Related to Level 3 recognition, if applicable, please identify any new or ongoing corporate or community-wide GHG reduction projects (other than an Option 1 or Option 2 project) undertaken by your local government that reflects a significant investment of time and/or financial resources and is intended to result in significant GHG reductions.

Significant resources (both time and financial) have been invested to date for the Official Community Plan Update and the Transportation Master Plan. While these plans are not yet complete (Transportation Master Plan is expected by the end of 2020 and the OCP is expected mid 2021), when they are they will result in significant reductions in GHG emissions over the long term as the community becomes more compact and connected through transit and active transportation options.

29. Does your local government set aside funds in a climate reserve fund or similar?

- Yes
- No
- Don't know



Climate Action Revenue Incentive Program

May 2020

What is CARIP

- ▶ Climate Action Revenue Incentive Program
- ▶ Grant equal to 100% of the carbon taxes paid
 - ▶ Applying for \$354,090
 - ▶ Funds placed in City's Ro11-Energy Management Rebate Fund

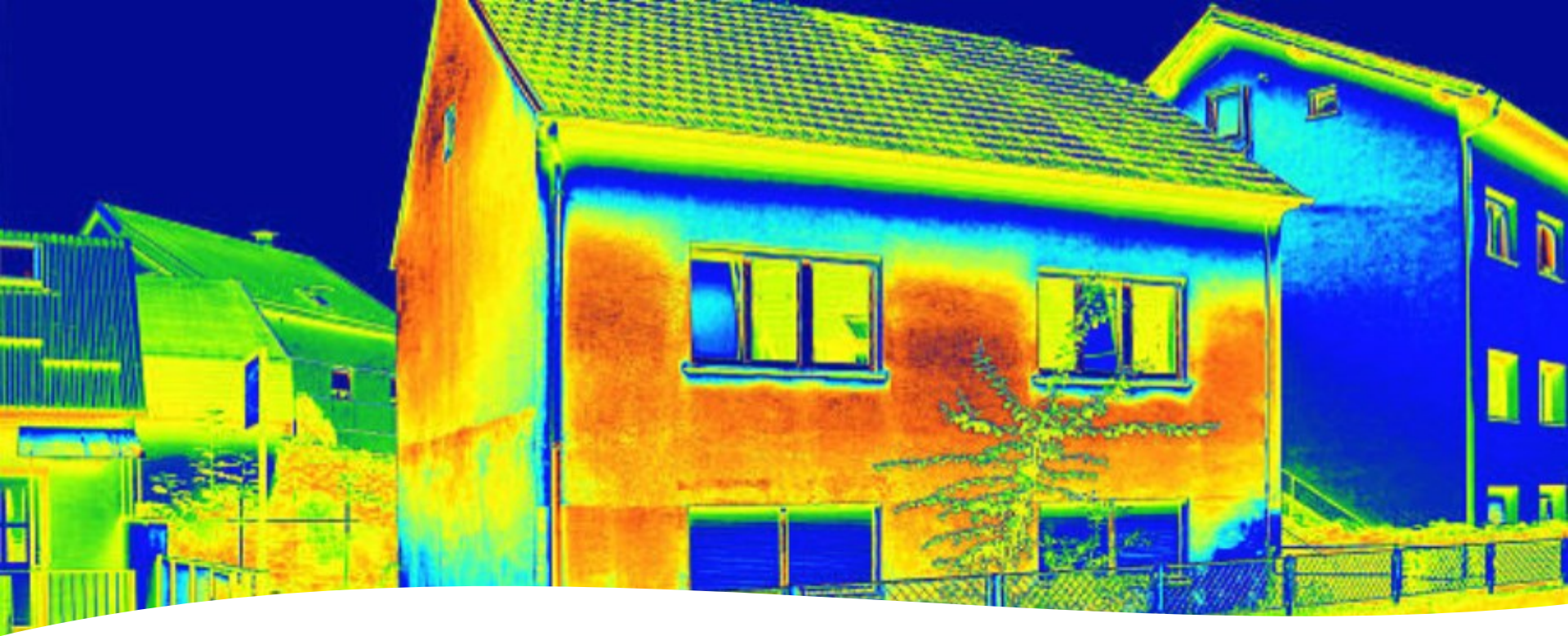
Climate Action Revenue Incentive Program (CARIP)

PROGRAM GUIDE - 2019



January 2020





2019 Community Highlights

- ▶ 2040 Growth Strategy endorsed
- ▶ See the Heat thermal imaging campaign
- ▶ Energy Step Code for Par 9 buildings
- ▶ LiDAR tree canopy coverage analysis



2019 Community Highlights

- ▶ 2.7 km active transportation network expansion
- ▶ 4 Level 3 DC Fast Chargers
- ▶ Irrigation controller and rain sensor rebate program
- ▶ 6,762 m² of riparian restoration through development process
- ▶ Reuse and reduce events

Climate projections



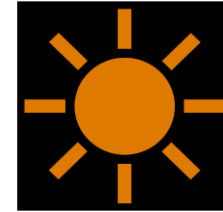
Warmer
temperatures



Drier
summers



Longer
growing
season



Warmer
winters



More
precipitation



Shifting
Seasons



2019 Climate Adaptation Highlights

- ▶ Amended Bylaw 7900 to incorporate climate change standard
- ▶ Fuel modification at Knox Mountain Park
- ▶ Removed 600 trees to increase Mill Creek channel capacity (replaced with 900)
- ▶ Initiated Area Based Water Management Plan



Corporate Emission Sources

- ▶ Civic facilities
- ▶ Outdoor lighting
- ▶ Water and wastewater treatment
- ▶ Vehicle fleet

2019 Corporate Emissions

- ▶ Emissions up from 2018
- ▶ Past emissions under reported
- ▶ Historical data will be reconciled so trend can be analyzed

7,931
tonnes CO₂e
(equivalent to CO₂ produced by
1500 cars in one year)



2019 Corporate Highlights

- ▶ LED lighting upgrades
- ▶ Pump replacement and optimization at WWTF
- ▶ High efficiency boilers at City Hall
- ▶ H₂O energy efficiency study
- ▶ 3 EV fleet vehicles
- ▶ 38 million liter reduction in water use at parks



Questions?

For more information, visit kelowna.ca.

DRAFT RESOLUTION

Re: 2020 Council Meeting Schedule Changes

THAT the Pre-Budget Meeting of Council scheduled to be held on June 17, 2020 be rescheduled to September 10, 2020;

AND THAT Public Hearings and Tuesday Regular Meetings be held with applications scheduled for individual times and with start times as early as 4:00 pm until the Order of the Provincial Health Officer regarding Mass Gathering Events is lifted.

BACKGROUND:

The COVID-19 pandemic has created complex financial challenges for families, businesses, community organizations, and the City. Moving the annual Pre-Budget Council Meeting to September will allow for further consideration of Council priorities in response to the pandemic, including the financial implications. The timing of the 2021 Budget deliberations are not expected to be impacted by this change.

On April 20, 2020, Council directed staff to hold Public Hearings and Tuesday Regular Meetings with individually scheduled applications to better meet provincial public health guidelines and orders regarding the gathering of people. To accommodate the change in scheduling, the May 12, 2020 and June 2, 2020 Public Hearings and Regular Meetings started at 4:00 pm. Staff suggest Public Hearings and Tuesday Regular Meetings continue to be held in this manner until the provincial order regarding mass gatherings is lifted. Staff will continue to accept written and verbal correspondence until noon on the day of the Public Hearing or Regular Meeting and other physical distancing and public health measures will continue to be in place.

Date: June 1, 2020